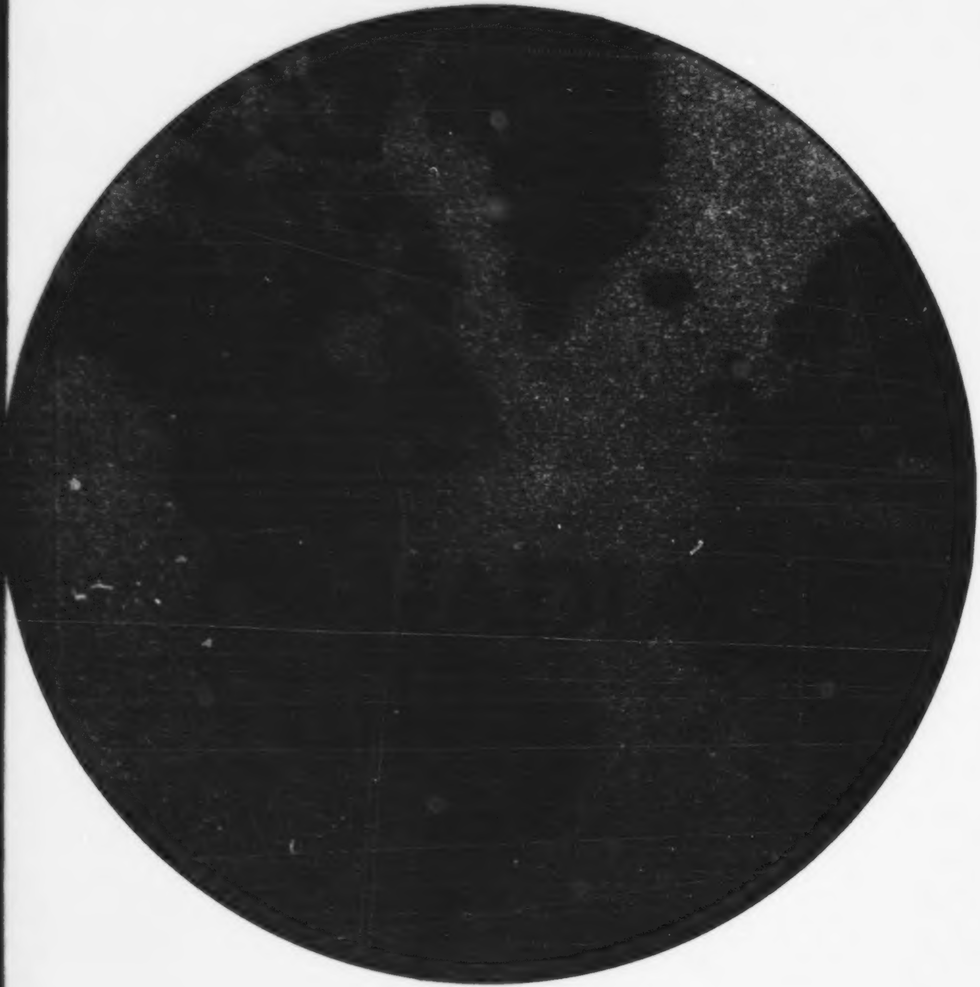
The International Labour Organization



The International Labour Organization A CANADIAN VIEW

The International Labour Organization

A CANADIAN VIEW

by
John Mainwaring

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How far that little candle throws his beams!
So shines a good deed in a naughty world.

SHAKESPEARE: *The Merchant of Venice*
Act v, Scene I.

Economic and social development cannot be conceived of as a separate process. Economic growth makes the expansion of social programmes possible. Likewise, a climate of security, the participation of the social partners in development, and proper training and working conditions are not only desirable in themselves but are a requisite for long-term economic growth. . . . I firmly believe that if sacrifices have to be made in the name of economic development, they have to be negotiated with all groups in society and borne by each according to its capacity.

FRANCIS BLANCHARD: *World Labour Report*, Volume 2, Preface.

What actually happened was probably far more complex than this summary.

JORGE LUIS BORGES, *The Book of Sand*.

To my wife, Janet

Table of Contents

Author's Note xiii

CHAPTER 1
Introduction 1
CHAPTER 2
In Search of International Labour Legislation 9
CHAPTER 3
Yes and Albert Thomas 21
CHAPTER 4
The Concept of International Labour Legislation Is Tested 27
CHAPTER 5
Canada and the ILO's Beginnings 37
CHAPTER 6
Canada at Geneva: The Twenties 45
CHAPTER 7
Divided Jurisdiction 53
CHAPTER 8
Depression and Dictatorships 61
CHAPTER 9
Canada at Geneva: The Thirties 67
CHAPTER 10
Bennett's "New Deal" Ratifications 79
CHAPTER 11
In Search of Salience 101
CHAPTER 12
The ILO in Montréal 107
CHAPTER 13
Vintage Years 123
CHAPTER 14
A Difficult Decade 137
CHAPTER 15
A Higher Profile 155

CHAPTER 16

The ILO Today 171

CHAPTER 17

Prospects 185

CHAPTER 18

A Canadian View 191

Bibliographical Note 197
Index 205

Author's Note

I am grateful to Labour Canada for supporting me in the writing of this book. Having been closely involved in ILO matters for many years as an officer of the Department I have enjoyed looking again at past events, and also inquiring into Canada's earlier history in the ILO. The opinions the book contains are my own and cannot be attributed to the Department or to any of its officers.

My theme throughout the book has been the aims and purposes of the International Labour Organization. I have focussed on the endeavours to fulfil them, with particular reference to Canada's role. I have not sought to be comprehensive but rather to select episodes that would illustrate the problems the ILO has encountered and the way it has responded to them. My source material, apart from personal recollections, has been official files, documents and records; analyses of ILO work by other writers; and discussions with participants in ILO meetings and activities.

The initials ILO, in the English and Spanish languages, stand for both the International Labour Organization and the International Labour Office. The first comprises all member states, with their governments and their labour and employer organizations; the second is the staff of international officials, headed by the Director-General, who serve the Organization.

Since it is important to distinguish between them, I have used the abbreviations "ILO Organization" and "ILO Office" occasionally in the book. "IL Organization" and "IL Office" would have been more exact but less pleasing to the eye and ear.

Concerning footnotes, I decided after some hesitation to exclude those that simply state sources, on the grounds that they are a nuisance to the general reader. I have listed my sources, chapter by chapter, in a bibliographical note and hope this will meet the needs of scholars.

I should like to acknowledge my debt to a few of the persons who have helped me. In Labour Canada these include: Michel Dorais, Director-General, Policy and Liaison, Lucille Caron, Director of International Relations, and members of their staff; the staff of the Labour Library, in particular Fred Longley and Ed Popoff; and the staff of the Communications Directorate. In the Public Archives, in particular John Smart, in charge of Labour Department records, and Ian McClymont, in charge of the Prime Minister's archives, have been most helpful.

Joe Morris and Keith Richan, who were respectively worker and employer members of the Governing Body during the 1970s, have given me information and opinions. So have Shirley Carr and John Harker of the Canadian Labour Congress, W.H. Wightman, formerly of the Canadian Manufacturers' Association, and George Haythorne, Deputy Minister of Labour during the 1960s, a period when Canada strengthened its participation in ILO work, both at home and at Geneva.

In the International Labour Office at Geneva, I wish to thank the Director-General, Francis Blanchard, and many of his officials. I have had valuable co-operation from the ILO's Branch Office in Ottawa. In Washington I was helped by James Quackenbush, my fellow delegate to many ILO meetings, and by George Weaver and Ned Persons, delegates from a slightly earlier era; in London by Jenny Dimond, of the Department of Employment, who gave me access to historical material, and John Garcia, a former colleague.

I am particularly grateful to Carol Riegelman Lubin for sending me material from her work in progress on the ILO describing and documenting events which led up to the ILO's move to Canada in 1940.

Since my concern is with tasks the ILO seeks to perform, rather than with individual performers, I have omitted or made only passing references to many Canadians who played prominent parts during my years at the ILO. But I cannot fail to mention at least some of those I knew and worked with: Percy Bengough, Claude Jodoin, Kalmen Kaplansky, John Simonds, Henri Picard, Jean Marchand and Marcel Pepin as labour representatives; Tom Robinson, Hugh Macdonell, Allan Ross, Allan Campbell and Harry Taylor as employers; Howard Pammett, Guy de Merlis, Jan Wanczycki and Michael McDermott, my assistants at various times in Labour Canada; and Edith Lorentsen, Evelyn Woolner and Evelyn Best from the Labour Legislation Branch. From the Department of External Affairs, those with whom I worked on ILO matters included William Barton, William Bauer, Allan Beesley, Norman Berlis, Allan Gotlieb, George Ignatief, Harry Jay, Paul Lapointe, John Noble, Geoff Pearson, Alfred Rive, Paul Renaud, Saul Rae, Gay Sellers, Jean Thibault and Paul Thibault. My deputy ministers and mentors were Arthur MacNamara, Arthur Brown, George Haythorne, Doug Love, Bernard Wilson and Tom Eberlee.

I should like to pay tribute to Labour Department officials from all Canadian provinces who helped to develop the federal-provincial co-operation so necessary to Canada's performance in the ILO, among them (from west to east) Bill Sands, Ken Pugh, Don Gardner, Bob Mitchell, Elliott Wilson, Doug Cochrane, Jim Metzler, Tom Eberlee (who later joined Labour Canada), Donat Quimper, Réal Mireault, Gilles Laporte, Doug Stanley, Ray Anderson, Merril McAlduff, George Dyer and Ted Blanchard. I owe much to Charles Levinson, writer and former general secretary of the International Federation of Chemical, Energy and General Workers' Unions, for his innovative perceptions of international industrial relations and the forces affecting them.

And finally, with deep affection and admiration, I must express the debt I owe to Paul Goulet, the first director of the ILO Branch.

Over the years, delegates to ILO meetings from many countries did work that I admired and that influenced me. Some became personal friends and allies, some respected advocates of different views. I cannot mention them all and I am unwilling to name only a few, but should like to acknowledge my gratitude to them.

JOHN MAINWARING

1

Introduction

The International Labour Organization has noble motives. It seeks to improve the conditions of working men and women, particularly in the poverty-stricken areas of the world, and to see that their rights as working people are recognized and observed. The International Labour Organization (ILO) forms part of the United Nations structure of international agencies, which includes the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and various other agencies which specialize in particular fields The ILO has responsibility, within this structure, for dealing with labour questions.

The United Nations agencies represent a form of international co-operation which is young in human history. Most of them were started around the close of the Second World War. The ILO is one of the oldest, dating back to the Versailles treaty of 1919. It originally formed part of the League of Nations structure.

The ILO has had the most controversial objectives of the United Nations agencies. No one can quarrel with WHO's fight against disease, with FAO's effort against hunger, or UNESCO's attempts to wipe out illiteracy. But while the ILO's goals are widely acceptable if expressed as lofty generalities, their implementation in specific terms raises difficulties. They seem to imply a redistribution of wealth, thus causing problems for people who possess it. Others worry that improvements in labour conditions may come too fast, damaging the economy and weakening a nation's ability to compete in international trade. And while the right of association in trade unions, a fundamental ILO principle, may be strongly established in some countries, it is accepted only grudgingly in others and is forcibly resisted in many.

On the other hand the ILO's efforts to help developing countries train their labour forces and strengthen their systems of labour administration cause no objections of principle and are generally welcomed as positive. The ILO in fact spends most of its resources on such purposes, in programs of direct aid to developing countries. It also carries on research, issues publications, and convenes meetings. In such respects it parallels the work of other United Nations specialized agencies.

But the ILO's best-known activity has few parallels in the UN system. This is the setting of standards for labour legislation. These standards take the form of draft treaties, known as international labour conventions, and, by ratifying them, governments commit themselves to applying the standards within their own borders and reporting to the ILO periodically on their means of doing so. The ILO also investigates complaints of failure to comply with ILO standards, particularly violations of trade union rights; and its procedures go beyond any such activities elsewhere in the UN system.

The ILO has a structure that is unique among international organizations. This is its tripartite system, under which delegates representing employer and worker organizations, as well as delegates representing governments, attend ILO meetings on an equal footing and with voting rights. Tripartism creates something of a paradox. Everyone expects trade unions to seek better conditions for their members; that is their normal function. But in the ILO, employers, who might be expected to resist, instead form part of the common effort, along with governments as the third party.

With its controversial objectives, its unusual working methods, and its unique tripartite structure the ILO has been a fascinating endeavour. How such an organization could manage to come into existence in the first place is an interesting question. This book is a modest attempt, by one who has had a number of years involvement in the Organization's work, to understand better its raison d'être, the hopes people had for it in its early days, its achievements and its disappointments, and the hopes we have for it today.

Obviously a volume of this size does not claim to be comprehensive. I have touched on episodes in the ILO's history which seem to me to be relevant and interesting. I have also traced the main features of Canada's involvement in the ILO. Throughout I have been more concerned with the Organization's aims and work than with the highly charged political environment in which it has often had to operate. Still, political activities are inevitably part of the ILO story.

The ILO was set up in a reformist spirit. In contrast to Marxist-inspired attempts to overthrow the capitalist system, the ILO was planned as a means of improving the system from within. It was a response to the evils of rapid industrialization. Child labour, exploitation of women, long hours under dangerous and miserable working conditions, absence of care or compensation when injury struck: these evils were beginning to be removed by legislation in some countries by 1919, when the ILO was formed. National legislation required all employers within a country to follow similar standards, and it removed the fear that an unscrupulous employer would undercut rivals. But the fear persisted that one country's decent labour standards could be undermined by competition from abroad. Hence the movement for international labour legislation, which gathered strength from the late nineteenth century through the early years of the twentieth.

By the end of the First World War circumstances were favourable, as never before, for the founding of an international organization to deal with labour issues. Public opinion demanded reform; governments acknowledged that labour was entitled to recognition in the peace settlement; and the Bolshevik revolution in Russia added urgency to this view. Labour unrest was threatening everywhere, and labour leaders were holding international meetings to strengthen their demands. No one could foresee the consequences. Governments were prepared to placate the labour movement as never before and not very often since. And it happened that a plan was available. A scheme for international labour legislation had been gathering modest support since the turn of the century, a scheme designed not to overthrow the capitalist system, but to reform it and make it more acceptable to labour. After a few weeks of determined effort, some rapid drafting and negotiating, the International Labour Organization was in place.

The story of the ILO's founding is the story of an attempt to establish a system of international labour legislation. This concept, in its purest form, would involve an international deliberative assembly whose decisions would become binding on member countries, leaving no possibility for any one country to evade the conditions laid down in a succession of international agreements. There were disagreements among the ILO founders as to how this result was to be achieved, but they were united in their intention.

As we shall see, the intention did not succeed. Its failure became apparent within a few years of the ILO's founding. As a consequence, the Organization's character and importance were decisively altered. It was a crushing disappointment; and indeed the Organization might well have collapsed before the end of its first decade. What saved it was the choice of its first director, the legendary Albert Thomas. A corpulent, bearded French socialist, Thomas was a magnetic speaker, an energetic idealist with an instinct for the practical. He was determined to make the ILO a force to be reckoned with. Thomas took pains to recruit a secretariat of the highest quality, which would win respect and support for the ILO through meticulous research, authoritative publications, and the ability to organize successful international meetings. He made sure that the ILO was capable of doing such things regardless of whether its ambitions for international legislation were fulfilled.

As it turned out, although ILO standards fell short of becoming international labour legislation, they developed a value of their own. The process of developing them, through research, consultation and tripartite discussion, and their quality as recognized international targets, did indeed evoke national action. The progress was not uniform, but after a decade Albert Thomas could describe the results by saying: "We have taught the world to speak something like the same language on labour questions."

The great depression of the 1930s appeared to Thomas as a challenge to insist on labour-oriented remedies to an economic crisis. On his initiative the ILO responded with a number of proposals aimed at restoring employment, including two main points: national and international action to reduce hours of work; and national public works programs supplemented by an international program to construct railways, highways, and telegraph lines throughout Europe.

Thomas died suddenly in 1932, worn out by his efforts and their indifferent reception in the capitals of Europe. Yet, his ideas found support in an unexpected quarter. The United States, having rejected President Wilson's work at the peace conference of 1919, had stayed out of the League of Nations and the ILO. But 15 years later the ILO ideas for ending the depression struck a responsive chord with President Roosevelt and his "New Deal" administrators.

The United States joined the ILO just at the time when Italy and Germany, refusing to be bound by ILO principles, pulled out. The Soviet Union joined the ILO briefly during the same period. By the time World War II engulfed Europe the ILO had acquired an American director, John Winant. Winant led the ILO out of Geneva to Montréal, where it continued its work on a reduced scale.

When peace came another American, David Morse, brought the ILO back to Geneva. During his two decades of leadership the Organization changed from an inward-looking body, primarily European in its perspective, into a worldwide organization with almost universal membership. The ILO's standard-setting work took on new importance when the Conference enacted a group of human rights conventions dealing with the right to organize, the right to bargain collectively, equal pay for men and women workers, forced labour, and discrimination in employment. The ILO also developed a procedure for handling complaints about violations of trade union rights. And the ILO embarked on programs of aid to the newly independent developing countries, programs which soon absorbed greater resources than the ILO had previously required, and led to a substantial growth in the ILO's staff and budget.

During the ILO's early years Canadian interest in the Organization developed gradually. Distance made it difficult at first for Canada to participate in meetings; a month's absence from home might be required for a one-week session of the ILO Governing Body. As for the general ILO idea of reducing trade competition based on labour standards, this was all very well, but the United States, Canada's major trading partner, had failed to join the ILO, which made the idea somewhat distant from our immediate concerns. Moreover, as a federal state, Canada encountered problems in ratifying conventions when their subject matter fell within provincial jurisdiction.

When the United States joined, having adopted the "New Deal" legislation, the Canadian government deepened its interest. Canada ratified several ILO conventions, on the theory that the federal right to implement treaties would give it power to enact its own "New Deal" labour legislation, power which would otherwise belong to the provinces. The federal legislation was disallowed, however, setting back our ability to participate in the ILO system.

But after World War II, when Canada began to play a vigorous role in United Nations affairs generally, our attention to ILO matters also increased. Air travel made Geneva more accessible. David Morse's initiatives made the ILO more interesting. The new human rights conventions had a considerable impact within Canada at both federal and provincial levels. Procedures were developed for joint action by the federal and provincial labour departments, and Canada ratified several of the human rights conventions.

In 1969, the year of its fiftieth anniversary, the ILO was awarded the Nobel Peace Prize. This was an honour, but trouble had been brewing for the ILO. Political pressures had begun to descend on the Organization as early as the mid-1950s when the USSR resumed its membership, along with other Eastern European countries. A host of newly independent countries joined during the 1960s. The number of ILO member countries increased to over 100, as compared with about 50 in the immediate post-war period. Voting strength at the Conference shifted dramatically and so did the nature of the debates. The Conference continued its traditional work with labour standards, but the newer members had other interests. They interposed debate on the world's trouble zones, antagonizing the Western delegates who felt that such matters lay outside the ILO's mandate and served no useful purpose. Western delegates also took little pleasure in being outvoted on such highly charged issues. The United States, which contributed 25 per cent of the ILO's budget, became sufficiently exasperated with this and other problems in the mid-1970s to pull out of the ILO altogether. Other Western governments did not follow this example, noting that in spite of its political difficulties the ILO still carried on useful activities. The United States rejoined after a three-year interval.

Today, a somewhat battered Organization is in place, very different from the 1919 model, still with the same broad goals but operating in a very different environment. If we were starting over again to establish an international labour organization, one wonders, how much would one retain of the original structure and working methods? How would one redefine the specific objectives? What are today's labour issues in a world where business has become increasingly internationalized and where countries are more concerned than ever with their ability to compete? For a country like Canada, concerned with its ability to survive in international trade, there are at least three ways of looking at wage and salary costs. One is to reduce them within our own borders, thus lowering the Canadian standard of living, of which we are rather proud. A second involves protectionism in various guises. A third is to encourage a rise toward reasonable international labour standards in competing countries. The third concept, which is obviously the most positive if it could be made to work, is the one the ILO represents.

In recent years Canadian delegates to Geneva have taken initiatives to improve the effectiveness of ILO programs and methods of operation. All this, unfortunately, has largely gone unnoticed by the media and the educational authorities, with the result that the Canadian public has been little informed of ILO activities and Canadian participation. In the chapters that follow I try to offer some impressions of what the ILO has been doing to try to fulfill its mandate, and its potential for the future.

* * *

I was not personally involved in the ILO's first quarter century, but I did attend an ILO meeting as far back as 1944, as a junior officer in the Canadian Department of Labour. I served as secretary to the Canadian delegation to the twenty-sixth International Labour Conference, held in Philadelphia. By the time I retired in 1980, I had been head of delegation to many conferences and other ILO meetings and representative of the Canadian Government on the ILO's executive board, known as the Governing Body. During this time I was generally responsible for Canada's relations with the ILO and for the federal government's relations with the provinces on ILO matters.

I could not have asked for a more interesting working career. The aims of the organization appeal to me. The attainment of standards of social justice, applicable to all men and women, seems to me a necessary precondition of a further and even nobler quest: the search for excellence and the realization of the full potential of the human spirit.

One of my Count Basie records is a blues, sung by Joe Williams, which begins, "Baby this is a mean old world. . . ." Among our Victorian forebears a poet wrote of "nature red in tooth and claw", and a scientist noted nature's law of survival of the fittest. A corollary of this law is that the fittest not only do survive, but ought to survive, and this provides justification for the notion that competition works to provide the greatest good for the greatest number in economic life. But many others believe that the human journey has been one towards freedom from the tougher constraints of nature. Competition, yes; life would be dull without it. But competition modified by a concern that other values exist that are a good deal more important to mankind than entrepreneurial or financial skills, and are entitled to reward. And accompanied by compassion and respect for the people who, whatever their other qualities, cannot hope to win very much in the economic game.

Moreover, there is also need for awareness that the losers will not necessarily accept their status without protest. The closing lines of the Basie-Williams blues make the statement that, mean old world or not: "Baby I won't be around to be treated like a low-down dirty slave, oh no no no baby." Such considerations cannot be excluded from our view of the ILO.

2

In Search of International Labour Legislation

Various forces and ideas helped to shape the new labour organization at the Paris Peace Conference of 1919. The governments of the great powers wanted to counteract the influence of the Bolshevik revolution in Russia and to win labour over to the idea of progress by orderly means. They were not sure what should be done; indeed, spokesmen for labour were far from united on the question. So they set up a committee, calling it the Commission on International Labour Legislation, and they assigned a number of labour specialists to thresh the matter out, while prime ministers and foreign secretaries busied themselves with the peace settlement and the development of the League of Nations.

Within the trade union movement three different forces claimed to speak for labour at this time. Two of the groups opposed the idea of international labour legislation, though for very different reasons; the other was cautiously willing to give it a try. The first group, the Communists, wanted the immediate overthrow of the capitalist system. They saw the proposed new international labour organization as an instrument for class collaboration and they wanted nothing to do with it.

A second and larger group of labour leaders had socialist objectives but its members were prepared to work towards them by peaceful means. These were forerunners of the social democrats who today accept the concept of a mixed economy. In 1919 their experience under capitalism had been bitter and they had much sympathy with the Russian revolutionaries. But they were willing to work for reforms within the system.

The third force was represented by the American Federation of Labor, which fully accepted the capitalist system and sought the gradual accession of workers to its benefits through trade union action. The AFL president, Samuel Gompers, believed in collective bargaining as a means of action and preferred it to government intervention and legislation. Today's president of the AFL-CIO, Lane Kirkland, was following the Gompers tradition when he expressed similar views recently in an interview with *The Wall Street Journal* (summarized in *The Citizen*, Ottawa, August 22, 1984). Kirkland suggested the abolition of most labour legislation of the past half century, arguing that with deregulation workers would flock to unions for protection from unscrupulous employers. The labour movement would then become stronger and better able to achieve its aims.

Gompers wanted the peace treaty to include a labour charter, a declaration of labour's right to an eight-hour day, abolition of child labour, equal pay for equal work, and so on. He was sceptical of the idea of an international organization which would try to achieve these things through legislation. Ironically, Gompers found himself elected chairman in Paris of the very body whose objectives gave him such misgivings, the Commission on International Labour Legislation. He carried out his task, and in due course became an advocate of the ILO within the United States.

Apart from the labour movement, another group of influential people supported the idea of the new organization, and with more enthusiasm. These were the reformers, men and women of good will, some of them influential in academic or professional circles, who were profoundly disturbed by conditions in the mines and factories where men, women and children toiled for extremely long hours in unsafe and unhealthy working conditions for low pay. Accepting the theory that this misery was associated with international competition, they sought international action to mitigate competition.

Thus, while much of the labour movement sought an end to capitalism, whether by peaceful or violent means, reformers sought only to moderate its extremes and cause it to yield greater benefits to ordinary people. Their goal was international labour legislation.

Some employers shared these views. In fact, the manufacturers Robert Owen in England and Daniel Legrand in France, are generally cited as pioneers, in the early nineteenth century, of the idea of international action to improve labour conditions.

By 1919 this idea had a considerable history. The Swiss Government was trying to interest other European governments during the 1880s. Germany convened the first intergovernmental conference on labour questions in 1890, but without significant results.

In 1900 the voluntary International Association for Labour Legislation was formed, and it actually succeeded in getting two conventions adopted at a conference in Berne in 1906. The first one limited night work for women; the second banned the use in the manufacture of matches of white phosphorus, a substance which caused a fatal disease known to workers as "phossy jaw". These conventions were presented to governments, and both received a number of ratifications and did indeed lead to improvements in national practice. But as a voluntary body the Association lacked the resources to carry out studies and make thorough preparations for international meetings.

The title the peace conference gave its labour committee — Commission on International Labour Legislation — suggests that the Commission was expected to produce a plan for actual international labour legislation. The Commission was given the following task:

> to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration.

The Commission consisted of two members each from the so-called Great Powers (U.S.A., the British Empire, France, Italy and Japan), two from Belgium, and one each from Cuba, Poland and Czechoslovakia, plus a few official substitutes. Several of the members were dedicated veterans of the old International Association for Labour Legislation.

What were these men trying to achieve? One of the Belgian representatives on the Labour Commission was Ernest Mahaim, a professor at Liège. Mahaim later wrote that the concept of international labour standards resembled that of national labour legislation.

> Why, it may be asked, did the British Parliament in 1802 pass an Act to protect the health and morals of children employed in factories? It was due to the fact that public opinion was shocked by the terrible conditions which were found to exist among the so-called "apprentices" of Lancashire. Why was a law necessary? Because it could not be taken for granted that the development of morality, or that moral and religious persuasion exercised on employers would ever prevail over their pecuniary interests. If it was desirable that all of them should observe the rules laid down for health and decency, those rules had to be made compulsory. Otherwise a single recalcitrant employer might prevent all other employers from doing what they should.

> All labour laws have been adopted for the same reason. All of them represent a strengthening of the public conscience, since they impose compulsory regulations, prohibitions, and restrictions on the private interests of manufacturers, in the interest of what are regarded as higher considerations: the life, health, safety, morals, and liberty of the workers.

The concept of international legislation is "opposed to that of absolutely unrestricted international competition . . . . The idea is to allow relative freedom of competition . . . ." But "certain humanitarian requirements are to be taken out of the sphere of competition. This means that health, life, and human dignity are regarded as benefits of supreme value. Humanitarian ideas are given precedence over considerations of economic profit."

How would such a system work? Arthur Fontaine, one of the French representatives on the Commission, wrote as follows:

> In the literal sense of the words, international legislation would imply a uniform code of laws adopted and enforced by different nations united in a league. It would presuppose the existence of an international parliament or conference empowered to draw up such a code, together with some simple method of procedure which would enable the member states of the league to apply its laws, as passed by the votes of a certain majority of the states represented at this conference or parliament. It would further presuppose the existence of a supervisory body, organized to ensure that these international laws were enforced.

These were the ideas that inspired at least some of the members of the Commission on International Labour Legislation. Edward Phelan, a member of the British delegation, wrote about the Commission's work 15 years later. Already by then the idea of an international labour conference with real legislative powers had, he said, come to seem fantastic and impractical. But in 1918 revolutionary ideas seemed less startling and not wholly incapable of realization. The Allies had become accustomed to all sorts of international "controls" on raw materials, shipping, etc., during the war, and the further step to powers of international legislation in a defined technical field, far from seeming impossible, seemed an almost natural evolution. In the sphere of international labour problems, where the element of commercial competition was of great importance, the idea of an organization with mandatory powers seemed in fact the simplest and fairest solution. We might say that the members of the Labour Commission wrestled with the concept of international legislation and did the best they could with it.

When the Commission began its work in Paris on February 1, 1919, the British delegation produced a detailed plan for an international organization which would have a full-time secretariat and would hold an annual conference to enact labour conventions, attended by voting representatives of employers and workers as well as governments from each member country. The British plan had been whipped up in a short time by a small group of civil servants, wise in the ways of committees, procedures, and documents. Though drafted rapidly, the plan was based on mature reflection about the old International Association for Labour Legislation, its successes and its shortcomings. The originator of the plan may have been Edward Phelan of the Intelligence Division of the Ministry of Labour. Those involved in its development included Phelan's senior, Harold Butler, and Sir Malcolm Delevigne of the Home Office, with the Minister of Labour, George Barnes, giving full support to the project.[1] Barnes was a former trade union leader who had joined Lloyd George's wartime coalition government. Butler and Phelan were both to join the ILO and both to rise to the post of Director of the International Labour Office.

The other delegations had not made such detailed preparations, so they took the British plan as a basis for discussion. Meanwhile an international socialist-oriented trade union conference met in Bern and developed its own plan, which took the form of a manifesto calling for an international labour charter. The trade unionists put almost all their effort into formulating the specific reforms they wanted. They also demanded "an international system for fixing labour conditions". This would comprise a permanent commission with equal representation from governments and unions (no mention of employers) whose decisions would have legal force internationally. But they gave little attention to procedures. The Labour Commission, on the other hand, was concerned less with specific reforms than with the question of how a system of international labour legislation might be made to work. What would be the powers of the new labour organization, and how would its decisions be put into effect? What would be its structure? What would be the obligations of governments? The Commission gave its main attention to these problems. It then added as an annex to its plan a charter setting out those of the trade union proposals it could agree on.

---

[1] Daniel P. Moynihan, preparing a Ph.D. thesis on the United States and the ILO, interviewed Phelan in Geneva in 1951. To the question, who got the specific idea for the ILO, Phelan answered: "That's easy, I did." On the other hand Harold Butler in his memoirs describes the antecedents of the ILO and says: "With these ideas as a background I began to work out a programme for the Peace Conference with the able assistance of Edward Phelan. . . . When a first sketch of what afterwards became the International Labour Organization had been reduced to paper, I sent it over to Sir Malcolm Delevingne at the Home Office. . . ." (H.B. Butler, *Confident Morning*, London 1950.)

The minutes of the Commission's meetings survive. They show that the greater part of the British proposal caused little controversy. The members agreed to the idea of a conference with a tripartite structure[2], which would meet annually to adopt labour standards and conduct other business. They agreed on a small administrative board, to be known as the Governing Body. And they agreed on a full-time secretariat, to be known as the International Labour Office. This would be headed by a director[3], to be elected by the Governing Body.

What gave the Labour Commission the greatest difficulty was to decide on the powers of the International Labour Conference. They agreed on the objective, that decisions of the Conference should lead to legislation in each of the ILO member countries. The problem was how this might be accomplished.

The Italian delegation proposed that decisions taken by the Conference by a two-thirds majority should automatically become binding on all member countries of the ILO. If the Conference adopted a convention calling for an eight-hour day then all countries would be bound to limit working time to eight hours a day. This would have been international labour legislation in its purest form.

The British planning group had considered this idea but had rejected it. They believed that it was not practical to expect national parliaments to yield their authority to make decisions to an international authority. The proposal they put forward in their plan to the Commission did not go as far as the Italian proposal. It contemplated that parliaments would indeed give effect to conventions, but nonetheless it allowed national governments the possibility of opting out of a Conference decision. Their text read as follows:

> Each of the High Contracting Parties undertakes that it will within the period of one year from the end of the meeting of the Conference communicate its formal ratification of the Convention to the Director and will forthwith take all steps necessary to put the Convention into operation, unless such Convention is disapproved by its legislature.

The Italian representative, Baron Mayor des Planches, argued that it would greatly reduce the effectiveness of decisions of the Conference if national parliaments had the right to veto them. He was supported by the French. Trade union leader Léon Jouhaux, who was a substitute delegate for France, declared that the workers wanted practical results; they wanted an international organization with power to take real decisions. But other members of the Labour Commission argued that, however desirable such a system might be for the future, it would not work at present. Even if the Commission proposed it, the peace conference would certainly reject the idea.

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[2] Each national delegation was to comprise two government delegates, one employer delegate and one worker delegate, who could be accompanied by advisers.

[3] The title was changed to "Director-General" shortly after the Second World War.

The Italians, having argued that the British proposal did not go far enough, withdrew their own idea. But the United States delegates now declared that the British proposal went too far, and that in fact the United States could not accept the obligation that would be involved. The first difficulty was the prerogative of the U.S. Senate to advise on and consent to treaties; the second was the constitutional division of powers between the federal and state governments which meant that state legislation would be required to implement ILO conventions.

The second of these difficulties was of course shared by Canada and other federal states. It had not been foreseen when the British prepared their submission to the Labour Commission. The Canadians in 1919 did not regard the difficulty as insuperable. The Minister of Justice of the day expressed the opinion that Article 132 of the British North America Act gave the Canadian Parliament power to implement treaties and hence to implement ILO conventions. Ironically, the courts were to rule, years later, that Article 132 could not be invoked to give the federal government such power; whereas in the United States it now seems possible that the federal authorities may indeed exercise a power that was thought in 1919 to belong to the states.

The true nature of the U.S. problem, however, today as in 1919, concerns the political will, rather than the legal authority, to accept the obligations that would follow from the act of ratification. At the Labour Commission neither Samuel Gompers nor the second U.S. representative had his heart in the idea of international labour legislation. It is not surprising that a number of legal and other reasons occurred to them for objecting to its application in their own country. (Although the second U.S. representative, Henry M. Robinson, had an employer background, he and Gompers saw eye to eye on most issues before the Commission.)

Great efforts were made to work out a formula that would suit all countries. After lengthy negotiations a compromise was found, which was weaker than the original British proposal, but which everybody could at least accept. A government would be obliged to submit conventions to the competent authority or authorities and seek their consent, but if such consent were not given then the government would have no further obligation.

(This provision was amended significantly almost 30 years later, with the addition of an obligation for governments to report to the ILO from time to time on their situation with respect to unratified conventions.) To meet the problem of federal states, a new procedure was introduced, giving a federal state the right to treat a convention as though it were only a "recommendation", a weaker form of international instrument. (This procedure was removed in 1946 by an amendment requiring central governments to consult with their constituent states and promote co-ordinated action to give effect to a convention's requirements.)

The compromise was a disappointment to those who had hoped to establish a system of true international labour legislation. The socialist trade union leaders were doubtful that the new organization would be strong enough to warrant their participation. A country which did not like a Conference decision would have to consider it, but that would be all. The idea of countries moving forward at the same pace to improve labour conditions had in effect been discarded as a requirement under international law. But, in the judgment of Arthur Fontaine, "However tentative the first efforts at co-operation may be, and however elastic the obligations which result from them may seem, it is clear beyond all doubt that the principle of international labour legislation has at last been established."

Moreover, the idea would retain some of its validity if the ILO acquired strong moral authority to replace the legal authority which it lacked. It remained to be seen whether this would happen.

The Commission's report to the peace conference described the problems it had faced and how it had resolved them. It presented the text of a convention which, when approved by the peace conference, would bring into being the International Labour Organization. On April 11 the conference approved most of the convention and established an organizing committee to prepare for the first ILO Conference, to be held in Washington in October.

The actual signing of the Treaty of Versailles, on June 28, left only a few weeks before the opening of the Washington Conference, with several serious questions still to be resolved. The treaty still needed to be ratified by its signatories, and the United States Senate was not at all sure it wanted to join either the League of Nations or the ILO. It was publicly questioned whether the Washington Conference could take place in the circumstances. If it did take place, there was confusion as to whether the defeated powers should be allowed to attend, and feelings ran high on this point.

Finally, the international trade union movement had by no means decided that it wanted to participate in the work of the ILO. The International Federation of Trade Unions (IFTU) met in Amsterdam on August 4. It was disappointed with the way the authority of the new organization had been diminished and the failure of the Labour Charter to incorporate all that the unions had requested. Moreover, it wanted to be certain that Germany and Austria would attend the Conference. The IFTU's position here was unequivocal. In the post-war world, Germany and Austria would be major competitors of the other countries in international trade. If the ILO were to develop a system to reduce competition based on low labour standards, then obviously Germany and Austria ought to be part of the system; otherwise they would have an unfair advantage. This was the origin of the concept of universality of membership, which has been a major principle for the ILO ever since.

Meanwhile, the organizing committee had got to work. One has to regard with awe the confidence, energy, and sheer competence its members showed under such trying circumstances. On May 10, the committee sent governments a questionnaire inquiring about their law, practice, and opinions concerning the items on the agenda of the forthcoming Conference. Thus began a practice, which the ILO has followed ever since, of obtaining such information from member governments before framing the outline of an international labour convention or recommendation. The difference is that nowadays governments are given several months to reply, whereas in 1919 governments had only weeks, depending on their distance from the committee's temporary headquarters in London.

In mid-September the committee, whose secretary was Harold Butler, transferred its operations to Washington, only to find that the uncertainty and confusion about the holding of the Conference were even worse than they had anticipated.

The United States had still not decided whether to join either the League of Nations or the ILO. President Wilson suffered a stroke which nullified his efforts on behalf of U.S. participation. Virtually at the last minute it was decided that the Washington Conference should proceed. The U.S. Secretary of Labor acted as its host and president, but his government did not appoint a delegation.

One of the people who particularly helped at this time was Franklin Delano Roosevelt, who was then Assistant Secretary of the Navy, and thus an unlikely official to be helping organize a labour meeting.

Butler describes how the young Roosevelt, then 37, buoyantly found office space, at the last moment, for the Conference in the Navy Building by ejecting a number of admirals and captains "who were using the most nautical language about him". Generally he did what he could to help make the Conference a success. Fifteen years later it would be Roosevelt who as President would bring the United States into the ILO.

Not all the difficulties were overcome. The uncertainties about German and Austrian participation were removed but too late to enable them to send delegations. On the other hand the IFTU authorized its members to attend the Conference, and they did so.

The Washington Conference opened as scheduled on October 29, 1919, and continued until November 29. From a review of its Record of Proceedings one judges that it operated with quite remarkable efficiency. The tripartite system worked smoothly, and delegates were able to agree on no fewer than six international labour conventions and six recommendations. If anything, the Conference was too productive. Sir George Barnes, a practical politician who wrote many wise things about the organization he had helped to create, said later that the ILO had tried to do too much at once and had weakened its influence and moral prestige by doing so. He noted that there had been very little time to study all the subjects on the agenda of the first Conference, and that some should have been carried over for more mature consideration at later meetings. "The idea of an annual Conference carried with it the implication of practicability — of doing first things first and continuing year by year to press on to further achievement as public opinion was ripened and governments converted by its pressure."

From the point of view of the labour delegates, by far the most important item on the agenda concerned the eight-hour day and the 48-hour week. The Conference debated this subject in plenary session and then set up a committee to formulate the text of a convention. A second committee was formed to discuss special arrangements that might be made for countries like Japan, India, and Turkey, which found themselves insufficiently developed, economically, to accept the immediate application of such an advanced standard.

The committees' proposals were accepted almost unanimously in plenary session, and a drafting committee then embodied them in a text which became the ILO's first international labour convention. This convention, drafted hastily, might have benefited from a longer period of reflection. It embodied not only the principle of an eight-hour day and a 48-hour week, but strict requirements as to details of application. None of the major industrial powers, when they came to examine its provisions after the meeting, were able or willing to bind themselves to an international treaty with such stringent obligations. We shall see how the Governing Body struggled to deal with this situation.

Three of the other Washington conventions, on night work for women, minimum age for employment, and night work for young persons, were more successful. The other two, on unemployment and maternity protection, were not widely ratified.

3
Yes and Albert Thomas

As the Washington Conference drew to a close, with its six conventions and six recommendations almost ready for adoption, it faced the task of establishing continuing machinery to carry forward its work. The Conference had to appoint an executive board, to be known as the Governing Body, which would in turn appoint a director, provide him with some money, and let him recruit staff and set up the International Labour Office.

It had been agreed by the Labour Commission at the peace conference that the Governing Body should comprise 12 government members, six workers and six employers. Of the 12 governments, eight should be states of chief industrial importance and four should be elected by the Conference. This was all very well except that no criteria had been developed for deciding which were the chief states. The Organizing Committee provisionally selected the following: United States, Great Britain, France, Germany, Italy, Belgium, Japan, and Switzerland. Since the question of admitting Germany to the ILO had not yet been decided, the Committee named Spain as a substitute. It circulated the list to states entitled to participate in the Conference, and gave them the opportunity to object to the selection.

Not surprisingly, both Canada and India considered that their industrial importance was greater than that of some of the eight countries on the list, and they objected, as did Poland and Sweden. The Conference, however, voted to accept the decision of the Organizing Committee for the time being, while agreeing that formal criteria should be developed for determining the states of chief industrial importance in the future. Germany's membership was confirmed. For the four vacant government seats Argentina, Canada, Poland, and Spain were chosen, with India declining to be a candidate. Given the uncertainty as to whether the United States would ratify the Versailles treaty and assume membership in the ILO, a substitute was named for the U.S.A. as a state of chief industrial importance. The substitute was Denmark. Criteria were subsequently developed for measuring industrial importance and, in 1921, both Canada and India were named among the top eight states entitled to non-elective membership on the Governing Body.

While there was acrimony in 1919 over the naming of the states of chief industrial importance, there was a good deal more over the selection of Governing Body membership as a whole. When the elections were finished it was found that European countries dominated the Governing Body by an overwhelming margin. Of the 12 government members nine were European; only Japan, Argentina, and Canada represented the rest of the world. All six of the employer members were European; and so were five of the six workers, the sixth being the Canadian Tom Moore. Not surprisingly, the Governing Body for many years gave most of its attention to European problems, as did the ILO Office under Governing Body authority. And not surprisingly the other countries, including Canada, complained. It was not until well after World War II that the ILO became truly worldwide in its policies and activities.

The Governing Body members gathered for their first meeting on November 27, two days before the close of the Washington Conference. They had to elect their chairman and a director for the ILO Office. Edward Phelan, who was a member of the secretariat, has described the unexpected events of this first meeting.

For the post of director, Phelan says, there was wide expectation that Harold Butler would be appointed. Previously, Butler had been one of the small group of British civil servants who produced the first draft of the ILO constitution. He had been a secretary of the Labour Commission, secretary of the Organizing Committee, and Secretary-General of the successful Washington Conference. His qualifications were manifest. But Butler had not lobbied or pressed his claims. Indeed he had stated that he regarded Arthur Fontaine, the leader of the French delegation, as a better candidate and that he would willingly defer to Fontaine. But Fontaine did not reveal his intentions.

The Governing Body proceeded first to elect its chairman. A secret ballot was demanded. Phelan says, "I borrowed a hat and collected the folded slips of paper as each member's name was called." Fontaine was unanimously elected, which meant that he was out of the running for the post of director. He was named in the capacity of permanent chairman, and held the office for the next 10 years.

Léon Jouhaux, the French worker, now demanded the immediate election of a permanent director. Government members were taken by surprise. Sir Malcolm Delevingne protested that members had had no time to consider the matter; they had no names before them.

As Phelan describes it, the French employer, Louis Guérin, interrupted to say, "If you have no candidate, we have." The atmosphere immediately became electric. Phelan continues:

> By 11 votes to nine, it was decided that a permanent appointment should be made. Delevingne and two other governmental delegates stated that they would not vote. Once more I went around with the hat, emptied its contents at the Chairman's table and proceeded to open the folded slips one by one. The first slip bore the name "Albert Thomas."
>
> When all the slips had been opened and counted the result was: Albert Thomas .... nine votes; H.B. Butler .... three votes. Six slips were blank.
>
> It was thus that Albert Thomas made his first appearance in the International Labour Organization. No great man, surely, ever made such an unexpected and dramatic entry upon what was to prove so great a stage.

However, although Thomas had won the election, the votes in his favour were fewer than half the membership of the Governing Body. He would need a stronger mandate if he were to command support from governments in the future. The Governing Body decided to vote again, and this time to appoint a director in a provisional capacity only, with the final appointment to be made at its next session, to be held in Paris in January 1920. In the election for provisional director Thomas secured 11 votes to Butler's nine.

Two aspects of this result may be noted. In the first place the non-governmental members of the Governing Body had shown unexpected strength and solidarity. Second, in spite of the predominant role played by Britain in bringing the ILO into being, France had secured the two top offices in the new organization. British chagrin was modified by the election of a Briton, Sir Eric Drummond, to the top post in the League of Nations.

Thomas had been a historian of the working class, a newspaper editor and one of the leaders of the moderate wing of the French Socialist Party. During the war he had been an effective Minister of Munitions. He was a brilliant speaker and a charismatic leader. He was asked to run for the ILO post by French union leaders, who gained the support of other worker representatives and of the employers as well.

During the interval before the January meeting of the Governing Body, the British tried to arrange that Butler receive the post of deputy director; but Thomas sensed a rival and objected. Phelan claims to have negotiated the way that was eventually found out of the impasse. At his suggestion the British themselves, at the January meeting, moved that Thomas' provisional appointment as director be made permanent, a gesture that strengthened Thomas' position. For his part, Thomas then appointed Butler his deputy; and so began what Phelan says was a long and successful collaboration between the two. After Albert Thomas' death Butler succeeded to the directorship.

Albert Thomas had his own vision of how the ILO ought to operate. He had not attended the Washington Conference or the meetings of the Labour Commission. In some ways this was an advantage. Since he had not become deeply involved in the system of international labour conventions, he could view the concept dispassionately and weigh its chances for success. Perhaps he realized how fragile was the hope that the adoption of conventions would lead automatically to a quantity of ratifications and thus make the system a real motor for social progress. Others were totally committed to the system, and indeed Thomas did his best to make it work. But he decided that too much could not be expected. If there were to be a motor for social progress it would have to be the International Labour Office itself.

According to Phelan, the British concept of the Office, which Butler would have followed had he become the first director, related almost exclusively to conventions. The Office was seen as a machine at the service of governments, sending out questionnaires, assembling replies and drawing from them the essential features of international instruments, developing draft texts, helping them through the Conference, and finally, receiving and registering the ratifications of member governments.

Thomas saw the ILO Office as an instrument for action; he believed it should take initiatives. Its task was not merely to communicate with governments and accept their decisions passively, but to act vigorously to promote ratifications. Beyond this he wanted to help labour unions, to place at their disposal "a scientific and impartial organization capable of helping and supporting them in their efforts towards progress". He wanted his staff to turn out research that would be meticulous and would gain respect. He wanted to conduct missions and inquiries into countries, and to do so without necessarily waiting for prior approval from the Governing Body. There were objections. Some members thought he was getting too far away from the system of conventions; others (like the Canadians) complained that his inquiries all seemed to be about European situations.

Above all, Thomas insisted that the objectives of the ILO went beyond the effort to establish an international system of labour legislation, "which might do no more than establish an equilibrium amongst the different industrial states". The ILO, he said, "owes its origin also, and mainly, to the principle solemnly affirmed in the Peace Treaty that 'peace can be established only if it is based on social justice' ". He interpreted the mandate to work for social justice broadly.

I have come to envisage Albert Thomas as the soul of the ILO. The British devised a system. Thomas, a man of intellect transfused with passion, took over the blueprint and breathed life into it. He built the Office and he took over the Organization, dominating and inspiring them both.

The passage I am about to quote from one of his speeches represents his attempt to convey, to a knowledgeable tripartite audience of delegates to an ILO Conference, what Thomas believed might be accomplished by the Office he headed.

The occasion was the annual ILO Conference of 1922. Thomas had submitted a factual report to the Conference on the past year's activities. He introduced it with a speech in which he talked about the ILO's potential. The ILO Office gathered information, it answered inquiries, not only from large countries, but also from newly developing ones. It provided information for employers and workers as well as governments; it looked for new ideas and sought to give guidance on them.

As for conventions, the Office might be doing its duty by simply noting that certain states had ratified some of them and others had failed to do so. The Office could "contemplate the development of international life with detachment and serenity", but the results might be nil.

> Would you be satisfied? Would it be possible, morally speaking, for the International Labour Office to remain in that condition of tranquility which I have just described?
>
> No, I think, emphatically, that it would be impossible. However great the respect must be which the International Labour Organization must preserve towards national sovereignty, whatever are the limits to which the Conference is confined, it is quite certain that our essential duty is to seek, by all the means in our power, how the principles embodied in the Treaty of Peace can best be realized; how these principles can be translated into Conventions and how the latter can become laws enforced by

> all the various States. That is the essential aim of our Organization; that great duty which none of us here can evade.

This was splendid oratory for its audience, designed to make them feel in their hearts as well as in their minds the excitement of the ILO's potential, and to feel themselves part of a great endeavour. Yet at the time of his speech, as we shall see in the next chapter, the idea of international labour legislation was very much in crisis, and Thomas himself, it seems, bore some of the responsibility for bringing about this unhappy situation.

Thomas seems to have had the ability to gather round him people of talent and imagination, people who saw under his leadership the possibility of making their contribution to a better world. Humbert Wolfe, the English poet and writer, who was for several years a delegate to ILO meetings, made Albert Thomas the subject of one of his *Portraits by Inference*. Wolfe gives an impression of Thomas among friends, on a midsummer evening in Sweden, at an island restaurant with a dance floor:

> Suddenly on the path beneath us there was the sound of running feet. A girl, dew-spangled as a spider's web, came into the tiny circle of light and paused there like Psyche listening for the god's beloved feet. Presently she heard his step. Light as the mist into which she melted she sprang forward. All gazed; and now, as in the spotlight of the stage, the pursuer vaulted on with the great bound of the immortal Nijinsky in *The Spectre of the Rose*. Like Discobolus, he leaned forward in the act to throw, the first lines of his beautiful adolescence as decisive as the last lines of a sonnet. He too heard and, laughing aloud, followed the nymph in flight.
>
> Albert arose. "Behold," he said, looking into the misty night, "our task — to make the world safe for such. That is the everlasting movement of life — saying, 'Yes, oh yes'. Behind us is the eternal stagnation of death or war, muttering, as it crashes the axe, 'No, no, no'. We will say 'yes' for them and for all like them hereafter. I give you the toast of 'yes'."
>
> "Coupled," cried someone, "with the name of Albert Thomas." We rose and drank to 'yes' coupled with the name of Albert Thomas.

It was from this extract that Edward Phelan, who was probably among those present, took the title of his memoir, *Yes and Albert Thomas*.

Various competent and dedicated men have succeeded Thomas in the post of Director (later Director-General) of the ILO, but it is hard to imagine any of them inspiring a portrait of this nature.

4

The Concept of International Labour Legislation Is Tested

The ILO now had six international labour conventions, a director and an office. It remained to be seen how governments would deal with the conventions and how the system of international labour legislation would evolve.

It was up to governments to examine the conventions, consider what changes might be needed in their national legislations to bring them into compliance, and decide whether they wanted to make such changes. Their formal obligation was to bring the conventions before their competent authorities for the enactment of legislation or other action. The time limit for doing this was a year or, in exceptional circumstances, 18 months. If the consent of the authorities were received, the convention would be ratified and the formal instrument of ratification transmitted. If consent were not given, there would be no further obligation. (It was only two decades later that an obligation was added to inform the ILO of the action taken.)

Since the United States had not joined the Organization, interest centred on how the industrialized countries of Europe would treat the Washington conventions. Great Britain, with its empire still intact, was the leading industrial power. Since its own labour standards were the most advanced, Britain had, in theory, the most to gain from the success of the convention system. In particular, working time in Britain was shorter than in other countries, so Britain had the most to gain from the success of Convention 1, Hours of Work.

Britain was the first of the major powers to act. On July 14, 1921, it submitted its ratifications of four of the Washington conventions and, for good measure, one of the maritime conventions adopted at the second ILO Conference in 1920. The four Washington conventions were those dealing with unemployment, minimum age, and night work of women and young persons. This was a positive signal to the other ILO member countries.

But on July 22, Britain sent a letter to the ILO Office announcing that the Government had decided not to ratify Convention 1 on hours of work. The letter said, in effect: we have studied the convention and have found we comply with most, but not all of its requirements. We think the remaining requirements are too inflexible and we do not intend to try to comply with them. We suspect that other countries are in much the same position. We suggest that the ILO Conference take another look at this convention and consider drawing up a new one, retaining the essential provisions, but altering the details to make them more widely acceptable.

It is worth examining the British action and the events that followed, for they determined the way the ILO convention system was to work in the future. The British letter noted that the principle of the 48-hour week had received general recognition in Britain. The eight-hour day was not so common, since most industrial workers received a half holiday on Saturday, and thus some of them worked longer than eight hours during the earlier days in the week. In total about 70 to 80 per cent of the employed population were covered by agreements fixing a normal working week of 48 hours or less. "Although these industrial agreements have not the force of law, they operate in practice, and working people in this country have thus obtained by agreement a considerable measure of the protection which the draft Convention is designed to secure."

The convention also restricted the working of overtime and required the payment of premium overtime rates. On this point the British letter said that most agreements fixed a higher rate of pay for overtime, as prescribed in the convention. However, the amount of overtime that could be worked was determined by the individual needs of separate establishments, subject to general agreements. "In the opinion of His Majesty's Government, a more rigid method of limiting overtime, whether by legislation or statutory orders, will not prove so satisfactory as this elastic system of industrial agreement." The letter then described a specific problem of non-compliance in the railway industry. This concerned the Sunday duty employees had to work at regular intervals, which brought them to an average working time beyond 48 hours.

Since Britain fell short of compliance with the convention, the Government had decided not to ratify it. However, the letter noted that other countries were also experiencing difficulties with the convention, therefore the British recommended that the question be reconsidered at a future ILO Conference. The aim would be to adopt a new hours convention, "retaining those provisions of the Washington Convention which have proved generally acceptable in the light of recent experience, and omitting or modifying those which may appear to be too inelastic for the varying needs of the different industries in the respective countries." The letter added that the British Government "would be prepared wholeheartedly to co-operate in the attempt to draw up a convention sufficiently elastic to meet with general acceptance".

The reaction of Albert Thomas to this letter is typical of his style as Director of the ILO Office. He was an international civil servant and as such was at the service of governments, as well as of the employer and worker members of the Governing Body. One might have supposed that his duty was to bring the British letter to the attention of the Governing Body, with perhaps a covering paper inviting members to take note of it and to consider its contents. But not at all. Thomas saw himself as entitled to express a point of view and, more than that, to fight as hard as he could to have his view prevail.

Thomas reacted to the British letter with outrage. He laid it before the Governing Body but, along with it, he submitted an indignant commentary of his own which was five times as long. He noted first

> that the decision taken by Great Britain with regard to the Hours Convention will have the greatest influence and may even be a deciding factor in the decisions which will be taken by other members of the Organization. Other industrial states are naturally reluctant to bind themselves to the terms of the Convention until they are certain that great industrial states will do likewise, and smaller states will naturally hesitate until they see what action is taken by states whose industrial importance and experience are greater than their own.

He mentioned Germany, Holland, Belgium, Italy, and Sweden specifically.

He then made the curious statement that "it can scarcely be hoped that the International Labour Conference will always adopt Conventions which are so carefully drafted that they meet every possible difficulty which may be met with when they are examined in the respective countries after the Conference with a view to their ratification". Thus the texts had to be interpreted carefully. If the British Government had taken the course of "communicating officially its difficulties to the International Labour Office" then a solution might have been found. He then went into the specific difficulties raised in the British letter and argued that the British had interpreted them too rigidly.

He agreed that the British Government was entitled to protect itself against the risk of a formal complaint that it was not observing a convention it had ratified.

> On the other hand it should not be forgotten that the decision is not purely a domestic one, but should take account of the position of Great Britain as a Member of the International Labour Organization, and its possible effect on the Organization as a whole. The adoption of the draft Convention in question was a collective act of the International Labour Organization, and undoubtedly its interpretation must be held to be a matter of international concern.

Thomas set himself solidly against the British proposal to amend the terms of the convention. He said that it was doubtful that the supposed inelasticity of the convention was a cause of concern to other countries. The real difficulty was "the hesitation of many countries, and in particular of the smaller countries, to commit themselves to ratification until they are sure of the action which will be taken by the great industrial countries and, in particular, by Great Britain".

He then argued that a number of countries which had already either ratified the convention or adopted legislation to give it effect would find themselves at "a serious disadvantage" in that they would remain bound by the original convention while other countries would be free to ratify the new one. (This seems a rather specious argument; the difficulty might have been easily solved.) His next argument was that if the convention were reopened at all it might be weakened more seriously than appeared to be the intention.

Then, in a display of real venom, he made a direct challenge to the British Government's good faith. The British delegates, he pointed out, had played a prominent part in drafting the Washington convention. He asked:

> What guarantee can the International Labour Organization have that, supposing the present proposal of the British Government were accepted and a Conference were convened at which the question was re-opened and at which a new text was arrived at, the same kind of difficulty would not recur? Undoubtedly, if one could be certain that the adoption of the procedure proposed in the Minister of Labour's letter was bound to result in the ratification by Great Britain of a new Convention, there would be very strong arguments in favour of accepting it, but it seems clear that no such result can be guaranteed, and that, therefore, the confusion and friction which would be involved in re-opening the whole question might be without any beneficial result whatever.

Finally Thomas suggested his own solution to the problem. This was that the British difficulties be formally examined by the Governing Body, which would issue an opinion as to whether Britain had been overly strict in its interpretation of the convention and whether ratification of the convention in its present form would be possible. Such action by the Governing Body would remove any risk of a complaint against Britain being forwarded to the International Court of Justice, since the Governing Body, having once expressed itself on the validity of Britain's position, would hardly be likely at some future date to change its mind and agree to let a complaint go forward.

The British letter and Thomas' commentary went before the Governing Body in October 1921. It is a strange episode in ILO history. Thomas had set himself up in direct confrontation with the Government of Great Britain, the greatest industrial power among the ILO members. Britain had suggested that the convention be revised to make it more flexible and easier to ratify. The Director of the ILO, on his own initiative, had proclaimed that this would be the wrong course to follow.

The British representative, Sir Montague Barlow, kept to the substance of the problem. He told the Governing Body that his Government was well aware that its decision was bound to have a great influence on other countries. But his Government would not make a commitment it could not carry out. He insisted that other governments did indeed have similar difficulties in trying to apply the convention with its present wording. The proposal that the Governing Body could give a more elastic interpretation to the convention would not help; the Governing Body was not authoritative in the matter. The only solution was to revise the convention. Britain had no intention of undermining the basic principles of the convention. All that was needed was to make two of its articles more elastic. Revision by the Conference could be confined to certain specific points; the whole convention need not be re-opened.

It quickly became clear that the worker members had made up their minds to support Albert Thomas' position. They fulminated. Tom Moore of Canada said he was "not at all convinced" by the British arguments for revision of the convention. The Dutch worker, Jan Oudegeest, said that because of the situation created by Britain, millions of workers were unable to enjoy the benefit of the eight-hour day. Léon Jouhaux asserted that if the matter were brought before another Conference the principles laid down in Washington would be destroyed.

During the debate, the government members of the Governing Body kept silent and the employers said little. Eventually a resolution was adopted instructing the Director to enter into communication with governments which had difficulty with the convention, with a view to finding a solution.

The Director was not interested in consulting other governments than the British. He saw his mandate as being to get the British to change their minds. In this he failed. He was obliged to report to the Governing Body, in due course, that he had been unable to convince the British Government to accept a more elastic interpretation of the convention.

The Governing Body next decided to set up a committee to consider the situation and make proposals. Thomas submitted a lengthy analysis to the committee. By this time he had cooled down and finally come to appreciate Britain's position. He now recognized that although, as he said, British workers enjoyed the shortest working hours of any of the large industrial state members of the ILO, nevertheless Britain did not comply fully with the terms of the Washington convention. It was no longer possible to reduce the problem to a question of interpretation. Thomas now conceded that it was necessary to examine the question of revision, as suggested by the British Government. Having set himself vehemently against this proposal for so long, Thomas now, for the first time, applied his mind to it positively.

He considered that, if revision were to be successful, then two conditions would have to be fulfilled. First, revision should leave intact the principle of the eight-hour day and the 48-hour week, except in cases specially provided for in the convention. Second, it would be essential to know in advance with certainty that the revision would lead to ratification. This point should now be explored.

Thomas therefore suggested that the committee recommend that the Governing Body instruct the Office to ask countries that wished to ratify the convention, but were prevented by difficulties, to spell out the precise amendments which would enable them to ratify the convention.

The committee accepted this suggestion and transmitted it to the Governing Body. But whereas Thomas had at last come around to the idea of revision, the workers had not. Jouhaux told the Governing Body flatly, in October 1923, that the workers group was opposed to any procedure of revision of the Washington convention on the eight-hour day.

The workers thereupon moved a resolution urging governments to ratify the convention in its present form and to pass legislation to embody its terms. The Governing Body rejected this stubborn and futile proposal by 13 votes to six.

The British Government moved an amendment to the committee's report to extend the scope of the proposed inquiry so that it would cover all countries that had not ratified the convention. This amendment was rejected by 12 votes to five.

The Governing Body then voted on the committee's proposal to consult such governments as had expressed difficulties, and rejected it by eight votes to six. The minutes of the Governing Body contain no information as to who voted which way on these various motions. There was no explanation of the vote, so it is not possible to appreciate the convolutions of thought or emotion that led members to take the positions they did. The one thing that was clear was that the Governing Body had exhausted its options for dealing with the problem.

Over the next three years the governments of the major European states held two meetings to try to agree among themselves on an hours of work standard, but without success. France and Italy actually went so far as to ratify the convention, but subject to the condition that they would not put it into force until it had been ratified by other specified major countries. A Labour Government in Britain introduced a bill in 1930 to comply with the convention, but other events prevented its passage. So the ILO was left with its key convention unratified by the major states and, in a sense, discredited.

The responsibility for this situation has to be shared. In the first place, delegates to the Washington Conference produced a text that was good enough as a general standard but was not quite good enough as a draft international treaty. It must be remembered that preparations for the Conference were rushed. Nowadays the ILO does not generally adopt a convention without having considered it at two successive sessions of the Conference. This so-called "double discussion" procedure makes it possible to correct unforeseen weaknesses in the text (although unsatisfactory wording still sometimes creeps by even the second reading). Delegates to Washington tried to do it all in a single reading and, given their inexperience, it is hardly surprising that they did not quite succeed.

Second, the British delegates, and no doubt others as well, failed to recognize, or else ignored, the fact that the text would cause them problems when they came to consider ratification. They voted in favour of it. By doing so they raised false hopes and expectations.

Third, Albert Thomas himself reacted too quickly and explosively to the British proposal for a revision. Had he been more moderate the British proposal to revise the convention would have had a reasonable chance of being adopted.

Finally the workers group at the Governing Body refused to give the idea of revision a chance. They preferred to retain the convention in its existing form even though it had become meaningless as a draft international treaty.

It is necessary to consider the implications of the Governing Body's action. Let us suppose that the committee's proposal had carried, either as it stood or with the modification suggested by Britain. Let us suppose further that a formula could have been found for amending the convention to make it acceptable to Britain and the other European powers. This would not have been easy. The formula would certainly have weakened the convention by allowing more exceptions and more flexible overtime provisions, but the basic principle of an eight-hour day and a 48-hour week would have been retained. Let us suppose that the formula had then been put to the Conference and adopted.

The new convention would have acquired greater moral force in the eyes of governments and public opinion. Britain would have ratified it, given our assumption, and other countries would have followed Britain's example. The ILO would have had its system of international labour legislation in place. And the system could then have been used for other desired reforms as well, to secure not just the adoption of standards by the Conference, but the assurance that they would be applied within member countries as well.

The outcome over the long run would have been the adoption of far fewer labour conventions. Each would have been thoroughly negotiated, perhaps over several years. But when finally they were adopted there would have been intense moral pressure on states to ratify them.

The convention system would have been reserved for questions of great importance; lesser matters would have been dealt with in recommendations. The result would have corresponded with Mahaim's and Fontaine's concept of international labour legislation, namely that countries should move forward together towards agreed standards.

Whether this would have proved workable, I do not know. It has not been tried. The point I am making is that, at a particular moment in October 1923, the Governing Body of the ILO took a decision which destroyed the hope of its founders for a system of international labour legislation.

What, then, emerged to take its place? From then on, what the ILO had was a system of international labour standards, which is quite a different thing. Today, an ILO standard constitutes a target for social progress towards which each country moves, or does not move, as it pleases. There is no legal obligation to ratify, and there is little moral obligation. The standards system has had many successes, as we shall see. But it does not have the same impact as a system of international labour legislation.

The Hours Convention had this effect: it was talked about as an accepted international target. Within countries it became a talking point in collective bargaining and in demands for legislative change. The basic eight-hour day and 48-hour week became recognized as standards, even though their application might be more flexible, particularly with respect to overtime, than laid down in the ILO text.

The convention played its part in promoting social progress. And yet it seemed that the idea of reducing international competition had not been clearly worked out. Had this idea been the ILO's foremost concern, then the Hours Convention might have been limited in its coverage to those industries in which international competition occurred. But the text of this and other ILO conventions was directed at providing social progress for all workers.

Perhaps the difference between the two concepts may be rationalized by saying that in order to achieve the objective of social progress for all, the ILO was seeking to eliminate the problem of international competition among a few.

5
Canada and the ILO's Beginnings

Canada was not one of the pioneers with the idea of international labour legislation. Poor labour standards existed in Canada during the nineteenth century and into the twentieth century, but an international solution was not much contemplated. Investigations were carried out, legislation was gradually enacted, and unions became active in some industries and trades.

A Royal Commission on Labour and Capital reported in 1889 that women and young children were working 11 and 12 hours a day, and that children of eight and nine were employed in factories and mills. Ontario and Québec adopted factory legislation which prohibited the employment of boys under 12 and girls under 14, but children and women could still be worked up to 10 hours a day and 60 hours a week, and these hours could be extended in an emergency. It was only much later that laws were enacted to protect male workers. In the early years of the century a worker could sue for compensation if he was injured on the job, but could win only if he could prove negligence on the part of the employer.

Such conditions were gradually improved by legislation and by union action, but in 1919 the application in Canada of the standards laid down in the first ILO conventions and in the Labour Charter would have meant great improvements in working conditions for most Canadian workers. However, Canadian historians' main interest in the founding of the ILO has had little to do with the ILO's aims and purposes or negotiations over the way it would work. Rather it has concerned the incidental fact that Canada gained from the negotiations a new status among the nations of the world.

Canada's representatives at Paris formed part of the British Empire delegation to the peace conference, along with delegates from Australia, India, New Zealand, and South Africa. Canada sent a high-powered group headed by the Prime Minister, Sir Robert Borden. Members left in November 1918 and remained in Europe for six months. The Minister of Labour was not one of the three cabinet ministers who accompanied Borden, but P.M. (Paddy) Draper, Secretary of the Trades and Labour Congress, went along as technical adviser on labour matters.

Canada was not a member of the Commission on Labour Legislation. Presumably, Draper kept in touch with what the Commission was doing, but if so he may not have succeeded in communicating what he had learned to the Canadian Prime Minister. For on March 27, three days after the Commission completed its work, Borden complained in a letter to the British Prime Minister, David Lloyd George: "During the past five or six weeks there has been no consultation by the British members of that Commission with the representatives of the Dominions so far as I am aware. At least that is the case so far as Canada is concerned."

A few days later Sir George Barnes convened a meeting of the British Empire delegation to discuss the Commission's report and began it by asserting that the representatives of the dominions had been consulted at the outset and had been kept informed of the progress of the scheme at all stages. The minutes of the meeting contain no mention of his statement being challenged. I conjecture that Barnes, as an old trade unionist, may have chatted with Draper from time to time about how things were going, but that the message did not get through to Borden. Also, Draper would surely have been in contact with Samuel Gompers.

Arthur Sifton, the Canadian Minister of Customs, studied the Labour Commission's report and took his findings to Borden. Sifton thought that the draft ILO Constitution was in general satisfactory; but he was upset about Article 35 and a protocol to Article 7, both of which seriously affected the status of the dominions and India by excluding them from consideration for membership on the ILO Governing Body. As members of the British Empire they were not "high contracting parties" to the treaty. The protocol to Article 7, referring to membership on the Governing Body, said in part:

> No High Contracting Party, together with its Dominions and Colonies, whether self-governing or not, shall be entitled to nominate more than one member.

Since Britain obviously expected to be a member of the Governing Body, this meant that none of the dominions would be entitled to independent, separate membership. Thus, they would be in an inferior position to all other ILO countries, many of them much smaller than the dominions.

Sifton and Borden quite naturally found this intolerable, but it was not easy to get the offending clauses changed. Some members of the British delegation seemed to consider it fitting that the mother country should speak on behalf of her various children; although Lloyd George saw the dominions' point. The Americans were even more difficult to cope with. Some of their delegates were adamantly opposed to independent membership for the dominions, since they were convinced that this was nothing less than a plot to provide Britain with extra voting strength. Borden pointed out, in a letter to Lloyd George, that the United States could count on more consistent support from certain Latin American countries over which it wielded influence than Britain could count on from the dominions at ILO meetings. But it took virtually an ultimatum from Borden to get the wording changed. He declared flatly that Canadian public opinion would simply refuse to accept the Paris agreements if Canada were to be subjected to inferior status. It was only at the level of the "Big Three" — Prime Minister Lloyd George of Britain, President Clemenceau of France, and President Woodrow Wilson of the United States — that Borden finally won his struggle.

The battle for independent status seemed to be won, but skirmishes continued. When the Organizing Committee began to communicate with governments about the forthcoming Washington Conference, its route to Canada at first went through the British Colonial Office. This was corrected quickly.

Again, when the United States, as host government, sent out invitations to the Washington Conference, it failed to send any to the dominions or India. Canada was informed of the invitation by the British Embassy in Washington, under cover of a dispatch addressed to "His Excellency the Duke of Devonshire, K.G., etc., etc., etc., Governor General of Canada". The dispatch is an interesting illustration of the grand style in which ILO business could be accomplished in those days:

> My Lord Duke:
>
> I have the honour to transmit to you herewith copy of a note which I have received from the Secretary of State informing me that the United States Ambassador at London has been directed to invite His Majesty's Government to send delegates to Washington for the first meeting of the Annual Labour Conference, to be held on October 29th, 1919.
>
> I have the honour to be,
> My Lord Duke,
> Your Excellency's most obedient,
> humble servant,
> (SGD.) R.C. Lindsay.

A message went out promptly to His Excellency's most obedient, humble servant requesting him to remind the United States that Canada was a member of the ILO in its own right. Sir Robert Borden then sent the list of the Canadian delegation directly to Washington rather than through London.

Meanwhile, even though Canada had won in principle its right to become a member of the Governing Body, the Organizing Committee failed to recognize the right in practice and ignored Canada (as well as India) in selecting the "states of chief industrial importance" for non-elective seats. As described earlier, Canada did succeed in winning an elective seat in 1922[1], and three years later was recognized as one of the chief states.

Responsibility for arranging Canada's participation in the Washington Conference went to the Department of Labour. Officials in the department knew little about the new organization. F.A. Acland, the Deputy Minister, was given a questionnaire that had arrived by a circuitous route from the Organizing Committee asking about Canadian law and policy on hours of work, protection of women and children, white phosphorous, and other items on the Conference agenda. He wrote to Sir Joseph Pope, the Under Secretary of State for External Affairs, asking for a copy of the labour section of the peace treaty, so that he might understand what it was all about. Pope's reply was unhelpful: "I beg to say that I received only one copy of the Labour Section. . . . which I sent to the Hon. N.W. Rowell, the Acting Secretary of State for External Affairs. I have no copy on my file." If the thought flitted across Sir Joseph's mind of sending a messenger to his Minister's office and having a copy made, he dismissed it. The new labour organization may not have seemed worth making a bustle about.

Nevertheless, the Labour Department went about its unaccustomed task of preparing for the Washington Conference. It drew up a reply to the ILO questionnaire, made arrangements for finance, hotel accommodation in Washington, transport of documents and, of course, the composition of the Canadian delegation. Concerning the latter the problems were, and have remained, somewhat delicate.

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[1] One of the Canadian delegates, F.A. Acland, gave his recollections of the process some years later to a dominion-provincial conference: "After the first eight members were appointed as chief commercial countries, the other four were selected by nomination, voted on by the various countries which had divided themselves into groups and sections. . . . All the South American government delegates got into a room — and there were a great many of them — and selected one country as representing the group and they named Argentina. When it came to North America there was some little difficulty. Finally it was decided that the government delegates from North America should take similar action, but in all there were only the two from Canada, and so it was arranged that Canada should rank as representing North America. . . ."

On August 26, Acland wrote on behalf of the Minister of Labour to the President of the Trades and Labour Congress of Canada, Tom Moore, and to the General Manager of the Canadian Manufacturers' Association, Blake Robertson, inviting each to nominate a delegate and five advisers to the Conference. In the letter he referred to the meeting's "vital and far-reaching importance" and to the Minister's desire that Canadian participation should be "at once creditable to the Dominion and fruitful in good results".

Each of the provinces was also invited to be represented at the Conference. Acland recalled the origin of this idea some years later, at a Dominion-provincial conference.

> For various reasons it was thought desirable to make a fairly good showing for Canada, and the federal Government sent two ministers. . . . One of the officials of the department, Mr. Brown, and myself went as advisers to the ministers, and in addition it was thought that we could conveniently entangle, if I may say so, the provinces in the whole business and get them interested. They would have as provinces no standing of course, but it was quite clear that much of the legislation which might follow would inevitably fall to the provinces. The question was then how to get the provinces in it, and we conceived the idea of asking each province to name a technical adviser if it cared to do so. The provinces did not in some cases acknowledge the invitation at first, but all in time accepted.

The Minister of Labour, the Hon. Gideon D. Robertson, wrote to the premiers of the provinces, clothing the idea in more dignified language:

> The matters set for discussion and possible action concern equally the Dominion and Provincial Governments and fall in some cases wholly within provincial jurisdiction. Co-operation between Dominion and Provinces is essential therefore to an effective participation in the approaching Conference, and the members of the Dominion Government are confident their colleagues of the Provinces will give the whole subject their earnest and careful attention. . . .
>
> The provision for advisers seems to afford excellent opportunity whereby Provincial Governments may be brought into direct relations with the Conference. . . .

> Your Government will assuredly share the view of the Dominion Government as to the vital and far-reaching importance of the matters which will come before the Conference here in question, a gathering which seems to mark in a very real sense the entrance on a new era with respect to international relations, as also to methods pertaining to legislation on fundamental problems of society. The Government of Canada relies therefore on your cordial and sympathetic co-operation in its efforts to render the participation of Canada in the Conference alike effective and beneficial to all concerned.

Thus began the long collaboration between the federal and provincial governments in tackling the responsibilities for both levels of government that Canada's ILO membership has entailed.

All the provinces named officials or cabinet ministers, with one exception. Prince Edward Island named the Hon. W.L. Mackenzie King, who had been Minister of Labour in Sir Wilfrid Laurier's Government and had recently become the federal Leader of the Opposition.

The federal letters of invitation all enclosed copies of the ILO Constitution, among other documentation, but drew no particular attention to paragraph 2 in Article 3 which said in part:

> When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Washington Conference did indeed have an item concerning the protection of women. However, the only Canadian delegate who named a woman as one of his advisers was the worker delegate, who named Mrs. Kathleen Derry, member, Boot and Shoe Workers Union, Toronto. There is no mention of Mrs. Derry holding a union office. Tom Moore explained in his letter to the Minister: "The male advisers are all elected Executive officers of the Trades and Labour Congress and the lady adviser is one well qualified both from experience as a married woman and also as a member of organized labour to deal intelligently with the subject on which she would be expected to advise." Moore made no mention of the marital qualifications of his male nominees.

The two Canadian government delegates were the Minister of Labour, Gideon Robertson, and the Acting Secretary of State for External Affairs, N.W. Rowell. Rowell spoke frequently at the Conference on constitutional, substantive, and procedural matters. The two federal advisers were Acland and Loring Christie, legal adviser to the Department of External

Affairs. The secretary was Gerald H. Brown, Assistant Deputy Minister of Labour, who for many years thereafter held the responsibility for ILO work, among his other duties in the department.

The employers' delegate was S.R. Parsons, who was President of the British American Oil Company. Parsons was particularly active in the debates on hours of work. He opposed the eight-hour day convention, arguing that it would greatly lessen total production at a time when the Government was calling on manufacturers to increase their output and exports in order to meet heavy national obligations.

Tom Moore attended the Conference not as workers' delegate but as adviser to P.M. Draper, whom he had nominated to the higher post. Both Moore and Draper spoke frequently and effectively. I was puzzled, when I read the record of proceedings of the Washington Conference, to find Draper listed as having voted against the hours-of-work convention. He was one of only two delegates so listed, the other being the Dutch employer. I could not imagine what had turned the Canadian worker delegate against the eight-hour day. Checking more closely I found that Draper was also listed as having voted for the convention. On the other hand, the employer delegate, S.R. Parsons, was not listed at all in the voting. Obviously there was a mistake in the official record. It is ironic that Draper, who was famous for his support of the eight-hour day, should go down in ILO history as having voted both for it and against it, whereas Parsons, who attacked the convention so heartily, failed to get credit for being one of the two employers at the Conference who voted against it.

I was interested to know what the representative of Prince Edward Island might have done at the Washington Conference. I found from his diary at the Public Archives of Canada that he spent one day at the ILO on November 13, a day when, as it happened, there was no plenary session. He wrote: "Sized up the whole affair in a very few minutes. Was given a desk to sit at when I wanted to and told by some of those running the Canadian section that I could attend committee meetings and listen, tho' not expected to participate in discussion."

This may have rankled, for he added: "Went into a committee on unemployment, listened to a talk by a lot of office clerks, full of their own importance. . . . Found it a pretty tiresome affair." King also questioned the value of trying to develop international legislation that would be applicable to countries at various stages of development. Had King remained in Washington a little longer he would have found that the delegates recognized the problem and made allowance for it as best they could in the texts they adopted. But it was and remains a problem for which an ideal solution has not been found.

King's interest in the ILO and what it stood for was more extensive than one might suppose from this casual entry in his diary. In 1910, he had attended a meeting of the International Association for Labour Legislation at Lausanne, and on his return he had introduced a bill which would put Canada into compliance with the Association's White Phosphorous Convention. Parliament was dissolved before the bill was dealt with, but a similar law was eventually passed, in 1914, when Thomas Crothers was Minister of Labour. King had cordial contacts and conversations with Albert Thomas (who made a tour of Canada in 1923), and later with various ILO leaders, but he never attended another ILO Conference.

Apart from Prince Edward Island's, the representatives of the provinces seem to have followed the Conference proceedings closely. Walter Riddell, the Deputy Minister of Labour for Ontario, served as secretary of the Conference Committee on Unemployment. (Riddell was soon to join the staff of the ILO and subsequently to represent the Government of Canada in Geneva.) Thomas Malloy, Secretary of the Bureau of Labour for Saskatchewan, left Washington early, a fact which adds to our knowledge of federal-provincial relations at the Conference, since Gerald Brown wrote him sending documents and news, and his letter has survived.

> We have all missed you very much. The Provincial Representatives have been of the utmost service in the discussion as to the course which should be pursued in respect to various matters under consideration by the Conference which are subjects with us in Canada of Provincial legislation. We have had daily conference on these topics for some days past and the views of the Provincial representatives on the successive topics have been, in every instance, unanimous.

I saw in Brown's letter the origins of the practice, which the Canadian delegation still follows in Geneva, of holding early morning meetings in which federal and provincial members share their views on Conference developments.

The file gives the cost to the Canadian government of participation in the International Labour Conference at Washington. The amount is stated as $17 895.62, "not including the cost of printing".

6

Canada at Geneva: The Twenties

After the Washington Conference the Canadian Government had two sets of problems relating to the ILO. The first concerned participation in ILO meetings, which were henceforth to be held overseas; the second concerned the fulfillment within Canada of obligations arising from ILO conventions.

The overseas meetings were those of the Conference, which were to be annual, and those of the Governing Body, which were to be more frequent and more demanding, since the Governing Body was to make the key decisions about ILO policies, programs, and budget.

At Washington the Canadians had demanded and won a government seat on the Governing Body, while Pat Draper had been elected as a worker member. Perhaps they had not foreseen the difficulties. The Governing Body met in Paris in January 1920, but neither Draper nor the government representative, the Minister of Labour, attended this meeting. The ILO minutes mention a message from F.A. Acland, the Minister's substitute, stating that he and Tom Moore (substitute for Draper) had been delayed in their travels.

An old Labour Department file contains a cable from Acland to his Minister, dated February 20. He had finally made it to Paris, but by the time he got there the meeting was over and the other delegates had departed. Acland had, however, met the newly appointed ILO Director, Albert Thomas, and he passed along what Thomas had told him about the meeting.

Acland asked Thomas how frequently these Governing Body meetings were to be held in the future. About every two months, Thomas thought; the next meeting would be on March 22.

Having reached Paris late, Acland now found himself stranded. "As to return passage," he reported, "I find extreme difficulty. Most ships filled till May. Better sailing facilities possible London but doubtful."

There are perhaps worse fates than being stranded for a few weeks in Paris. Acland and Moore stayed on in Europe until the next Governing Body meeting, which was held in London. They then made up for missing the earlier session by speaking frequently. The minutes note eight interventions by Acland during the four days of debate and no less than 22 by Moore.

The two men then went home. They did not return for the next session of the Governing Body, which was held in Geneva in June. The Canadian Government sent Phillippe Roy, the Canadian Commissioner in Paris. Four months later, in Geneva, it was R.H. Coats, Dominion Statistician, who happened to be available since he had been attending a statistical conference in Brussels. The Canadian workers missed both meetings.

The Canadians had a problem. The ILO seemed to need at least four meetings a year for its Governing Body. Even assuming that passage could be readily obtained and that Acland's exile in Paris would not be repeated, it would take a Canadian a week to ten days to travel to Europe for a meeting of four or five days, and the same to return; whereupon it would almost immediately become necessary to think about the next meeting.

Add another six or eight weeks for attendance at the annual ILO Conference, and this could mean an absence from Ottawa of four to six months a year. Clearly, the Minister of Labour could not absent himself so frequently, nor could his deputy. Of the first ten sessions of the Governing Body the Canadian government missed the one that Acland failed to reach in time, and assigned seven different officers to attend the other nine meetings. Clearly this was not the way to derive much benefit from participation; nor was it the way to make a contribution to ILO policy.

The Canadian worker member, P.M. Draper, attended only the first session, in Washington. Tom Moore was the substitute at three meetings; on other occasions European trade unionists replaced him. Canadian employers were not members of the Governing Body at all.

Inevitably, at this time the ILO was dominated by Europeans. The Canadians complained, and Loring C. Christie, a veteran External Affairs officer who attended the sixth session in Geneva, put the matter bluntly. Christie found fault with the "enquiries" the Office was undertaking, all within Europe — missions to the Ruhr Valley, to Upper Silesia, and to Hungary. These activities bore no relation to the main purpose for which the ILO had been set up, which was, Christie said, to "strive to bring all countries so far as possible to something like a uniform standard, so that improvement of conditions should not prove to be a disadvantage".

Such enquiries were of doubtful validity under the constitutional definition of the powers of the Office. Moreover, the Office was in danger, he said, of dissipating its energies — devoting itself only to the part of the world within reach of Geneva, and alienating the sympathies of other nations.

Christie's proposal to restrict enquiries hit a raw nerve with Albert Thomas who, as we have seen, had a dynamic concept of the role of the International Labour Office. Thomas was an orator. "The Organization could not live," he cried, "if it were confined as Mr. Christie proposed."

The debate was adjourned until the next session of the Governing Body, and the Director was instructed to circulate Christie's statement in the meantime, together with his own views on the question of ILO enquiries.

However, when the next session was held, three months later, Christie was not present. Canada was represented by an officer from the High Commission in London, W.L. Griffiths, who spoke only briefly in support of Christie's position. After considerable debate by other speakers, Thomas won his case for an expanded role for the Office.

From today's perspective Christie's position seems unduly restrictive. Be that as it may, he had raised an important issue on behalf of the Canadian government. Other delegates must have assumed that he was serious; but if so, Canada's credibility must have suffered when the government scarcely bothered to follow up at the next session of the Governing Body.

At about this time doubts were raised in Ottawa as to whether the government should continue its membership on the Governing Body. A memorandum on the question was submitted to the Prime Minister. In 1922, however, Canada was named by a committee of the League of Nations as one of the eight states of chief industrial importance, and this appeared to mean that she would become a continuing member of the Governing Body willy-nilly.

It did not work out quite so easily. The League's report still had to be approved by the ILO. The report also named India as one of the eight states, and this meant that three members of the British Commonwealth (including Britain) would be entitled to so-called "permanent" seats. According to an article by Walter Riddell published in the *Labour Gazette*, certain European countries were determined to avoid this, and sought to limit the number of permanent seats. A committee of the ILO Conference voted in favour of the reduced number by 20 votes to four. However, Canada decided to defend its case, and the Hon. Ernest Lapointe made a speech in plenary ("not soon to be forgotten by those who heard it" according to Dr. Riddell), which led to the reversal of the committee's proposal.

Again the government had fought successfully for its right to membership on the Governing Body, but it was still uncertain how to be represented. Earlier in the year, the government had resorted to the expedient of naming an English person to attend Governing Body meetings as the substitute for the Canada-bound Minister of Labour. Colonel David Carnegie, a private industrial relations practitioner living in London, attended three sessions in 1922. Before appointing him, the Minister, James Murdoch, wired Mackenzie King who was holidaying in Colorado. King wired back a hearty endorsement of Carnegie, and added: "Would suggest as alternative Mrs. James Carrothers, better known as Violet Markham. She is an authority on labour legislation and problems, knows Canada well, has served on English commissions . . . ."

A year later Murdoch invited Mrs. Carrothers to act as his substitute. Violet Markham was certainly one of the best-known persons ever to attend the Governing Body on Canada's behalf. She had travelled widely, written several books, including a volume on factory legislation in the British dominions, and was a member of the British Industrial Court and other bodies. She was also socially prominent. She had met Mackenzie King on a visit to Canada in 1905, and the two remained friends for years thereafter.

When she called at the Canadian High Commission for instructions, Lucien Pacaud reported back to the Minister: "She is a very remarkable woman and grasped very sharply the main points that would be of interest to us. . . . The attitude of Canada, as outlined in your letter to me, has been perfectly understood by Mrs. Carrothers."

At Pacaud's request, Violet Markham attended a meeting at the British Ministry of Labour to discuss the agenda of the Governing Body. She reported her views in two long letters to Murdoch.

> It is clear that finance will be the dominant subject. . . I think it essential that the Office should live within its income and not be open to any charge of wastrel finance. . . . At the same time I think it is very important that this economy campaign should be conducted on right lines. It is essential that the Labour Office should feel reforms are being pressed in a spirit thoroughly friendly to international co-operation and not with any desire to cramp the Organization.

It would be hard to find a more graceful formulation of the kind of position Canadian members of the Governing Body were still taking half a century later, when resisting increases in the ILO budget.

Albert Thomas was sufficiently impressed to write to Murdoch: "While regretting your absence the Governing Body were very pleased to welcome Mrs. Carrothers. This was the first time a woman had participated in the work of the Governing Body and her able collaboration was very much appreciated."

However, a Canadian member of the staff of the ILO took a different line. This was Walter Riddell, who had attended the Washington Conference as a representative of Ontario before joining the ILO. Riddell wrote a personal letter to the Minister of Labour urging that Canada be represented by a Canadian. "Canada, by virtue of its position on the Governing Body, is the spokesman for the extra-European English-speaking world."

At home, Miss C.E. Carmichael, President of the National Council of Women, also wrote to the Minister. "There has been a lot of talking," she reported, "among certain women about this English woman being chosen," although Miss Carmichael had heard from a friend in Geneva that Mrs. Carrothers was "splendid".

In the House of Commons the opposition raised questions about the appointment. Newspapers published editorials about the inconsistency of appointing an English woman as Canada's representative at Geneva. "Why Violet?" asked the *Ottawa Journal*.

But Canadian authorities were sufficiently impressed with Violet Markham to send her to Geneva three times. She wrote later in her autobiography that she thoroughly enjoyed the experience. But soon she recommended that Canada appoint instead a permanent representative in Geneva for League of Nations and International Labour Office work. When a fourth invitation came, Mrs. Carrothers cabled her regret that owing to her husband's illness she would be away in Africa. And presently the Canadian government did indeed establish its own office in Geneva.

Violet Markham was representing Canada at the same time that Humbert Wolfe was a member of the British delegation. She explains in her autobiography that, with Wolfe, the idealism of the poet and the realism of the civil servant were in separate compartments.

> Humbert Wolfe poked considerable fun at the heroics and methods of international gatherings, and I much enjoyed his stories of the struggles that had taken place at earlier sessions of the ILO, especially the struggle over the White Lead Convention. The issue about white lead, stated simply, is that paint without white lead is very bad paint, while paint with white lead causes disease and death among the workers. The controversy was long and heated. "Statistics," sighed Humbert, "yes, statistics; how marvellous they are. I assure you incontrovertible evidence was produced by the manufacturers, buttressed by impeccable figures and supported by eminent medical authority, that the only really sound and nourishing diet for a baby was white lead."

She describes Albert Thomas as "the outstanding and dominating figure of the whole proceedings. . . . This fiery Frenchman had a real touch of genius". Also, she was present at a stormy session when the workers group of the Conference challenged the credentials of the Italian worker delegates, named by Mussolini's Fascist government to replace the previous worker representatives.

In December of 1924 the Government of Canada provided, by Order in Council, for

> a permanent officer, to be known as "Dominion of Canada Advisory Officer, League of Nations", who shall reside in Geneva and shall be equipped with necessary clerical assistance and office accommodation; it shall be the duty of such officer to establish and maintain as close relations as possible with the Secretariats of the League of Nations and the International Labour Office respectively, and he shall communicate with the Government of Canada as to all matters arising and requiring its attention.

The officer was to "ensure greater permanency and continuity of representation" at Governing Body meetings and to act "as a substitute for and under the instructions of the Minister of Labour". The total annual expenditure on salary, clerical assistance, and travelling expenses was not to exceed $10 000; and since the work "will be more largely on account of Canada's participation in the work of the ILO", its cost would be charged to the Department of Labour.

Walter Riddell was appointed to the post as of January 1, 1925. As Ontario's Deputy Minister of Labour, Riddell had been an adviser to the Canadian delegation to the Washington ILO Conference. He had then been appointed chief of the Agricultural Service of the ILO. He was an ideal choice for the new Canadian post. In due course he became one of the more influential persons at Governing Body meetings. One of his first speeches indicated his determination to fight for Canadian interests when he complained that certain countries, including Canada, were inadequately represented on the staff of the ILO, and insisted that the Office must become more truly international. Riddell sent regular reports on Governing Body meetings to the Minister of Labour, and these formed the basis for articles in the *Labour Gazette*.

Riddell's office provided help to visitors to Geneva. He wrote in the *Labour Gazette:*

> The office provides clerical assistance for the Canadian delegations to the various conferences held in Geneva. Previously secretaries were brought from Canada for these meetings at considerable expense. The office also seeks as far as possible to keep Canada to the fore in Geneva by trying to secure more adequate representation on the staff of the secretariat and on the numerous committees of the League and the Labour Organization. It is also necessary to see that references to Canada in articles appearing in the publications of the League and the Labour Office are accurate and at the same time do justice to Canada's importance. The office is a headquarters for Canadians coming to Geneva. Information is given concerning the various activities of the League and Labour Office, and, whenever this is desired, arrangements are made for visits to the Secretariat of the League and the Labour Office.

Useful though it was, Riddell's appointment inevitably led to a declining interest in Governing Body affairs on the part of the Department of Labour in Ottawa. The department was still called upon to provide policy guidance to the advisory officer in Geneva. But what went on at the Governing Body principally concerned the operations of the ILO, financial and administrative questions, plans for activities, and investigations such as Christie complained about. Only a certain amount of it had much connection with the problems labour departments concern themselves with at home. In Canada, the department was much more interested in the work of the ILO Conference in developing conventions, and in the problems of applying such conventions within a federal state where jurisdiction was divided.

7
Divided Jurisdiction

During the early 1920s a certain effort was made to apply ILO standards within Canada. But there was also a certain amount of humbug.

The ILO Constitution placed an obligation on the central government of a federal state to bring a convention before the "authority or authorities within whose competence the matter lies for the enactment of legislation or other action". In the case of Canada the "authority" could be federal or provincial or both, depending on the subject matter of the convention.

There was no obligation to enact legislation. But, as we have seen from the discussions in the Labour Commission of the peace conference and subsequently, the whole object of the exercise was to get legislation enacted. Thus there seemed to be at least a moral obligation to try to comply with a convention's provisions.

Through the ILO, the nations of the world had set up a system aiming at international labour legislation. They had met in Washington; they had adopted six conventions. Each country was now supposed to put the conventions into effect. In theory, they had each been held back in the past by the fear of international competition. This fear was now, supposedly, removed.

But in Canada this fear was not what had been slowing social progress, so its removal, or supposed removal, did little good. The problem for Canada in the 1920s, although nobody wanted to admit it, was that each of the ILO conventions was ahead of current Canadian practice, and even thinking. Canada was not ready for the eight-hour day, for maternity protection, for the abolition of night work for women and young persons, for a minimum age of 14, or even for the moderate government measures against unemployment set out in Convention 2. (Prime Minister King, in speaking to a

Dominion-provincial conference on unemployment in 1922, was to urge delegates to encourage "traditional Anglo-Saxon reliance upon self-help in preference to governmental action".)

Nevertheless the ILO presented a challenge. The fact of Canadian membership forced the federal government to consider its labour standards. And the fact that the provinces had all participated in the Washington Conference made their governments also aware that they had a role to play in the international system. British Columbia actually passed a series of acts to conform with the Washington conventions, but the acts were to come into effect only when the other provinces had passed similar legislation. The B.C. acts remained a dead letter.

Tom Moore placed a good deal of hope in the ILO as an instrument for improving the Canadian situation. The Trades and Labour Congress of Canada drew up a general program for labour legislation and submitted it to the government in 1922. Among all its proposals, the Congress gave top priority to the implementing of ILO standards:

> (1) (a) That the government take steps to have the Conventions of the International Labour Organization accepted as treaty obligations and therefore brought within the jurisdiction of the Federal Government.
>
> (b) That action be taken to give legislative effect to all, or such items, as may be decided to be within the jurisdiction of the Dominion Government.

But during the same year the Canadian Manufacturers' Association declared that if the eight-hour day convention were carried into legislation it would have "disastrous consequences" in an undeveloped country such as Canada to which new capital must be attracted, and that "it is absolutely impossible for Canada to think of passing such legislation unless and until similar legislation is passed in the United States".

Whether the eight-hour day was good or bad, there was uncertainty as to which level of government had legislative power to enact it. It was widely agreed that under normal circumstances the provinces had jurisdiction in this field. But the power of the central government to legislate in fulfillment of treaty obligations was also a factor. Early in 1920 Senator Robertson, as Minister of Labour, conceded the right of the provinces to enact legislation on the eight-hour day. But he added that "if the Provincial Legislatures do not see fit to act in the matter, the Federal Government has jurisdiction, under its treaty-making rights, to enact such legislation''.

A different picture emerged later in the year, however, when the Department of Justice issued an official opinion on the jurisdictional question. An order-in-council expressed the department's opinion that the treaty engagement entered into by the Dominion, in regard to ILO conventions, was not such as to justify Dominion action under Section 132 of the British North America Act in regard to conventions where the subject matter fell within provincial jurisdiction — as did the Hours Convention, except in its application to federal works and undertakings. The Dominion's obligation was merely to bring the different conventions and recommendations before the competent authority, whether Dominion or provincial. There was no obligation to enact legislation, and hence Section 132 could not apply.

In accordance with this viewpoint, the Hours Convention, together with the other conventions and recommendations adopted at the first two ILO Conferences, were tabled in the House of Commons by the Minister of Justice on May 28, 1921, but no legislation was introduced. The texts were also communicated officially to the provinces.

In September of 1922 the Canadian government convened a Dominion-provincial conference ''to consider the problem of unemployment, as well as aspects of other industrial and social questions which have been the subject of action at the International Labour Conference''. A verbatim report of this meeting survives. In discussing the ILO, the Conference delegates did not get beyond Convention 1. And they did not deal with its substance, simply with the question of jurisdiction. The federal Minister of Labour, James Murdoch, was chairman, and he stated that the question of the eight-hour day was entirely up to the provinces, except regarding Dominion works and undertakings.

Several of the provinces, including Alberta, British Columbia and Ontario, suggested that the Dominion had the right to legislate through its treaty powers. The federal Deputy Minister, F.A. Acland, tossed the ball back when he quoted a view that the Dominion indeed had the right, but that the Dominion would be unwise to exercise that right.

Thomas Malloy for Saskatchewan asked what effort the federal government had made to encourage the provinces to enact legislation. He suggested that federal representatives might tour the provinces to promote the ILO standards. Murdoch did not take kindly to this idea. He said: "I would not disparage their intelligence and sincerity to the extent of thinking it necessary to go from Ottawa to Regina to tell them what they need for the citizens of Saskatchewan in connection with the adoption of ILO Conventions." Later the federal Minister said:

> This, gentlemen, is your business. If the provinces say "no" to the draft Conventions or if they permit the draft Conventions to just go without further recognition or action, there will not be any pressure or any effort made particularly by the Dominion Government to compel them to do what is said to be some of their obligations under the treaties. I hope you understand our position. It is only — Can we mutually co-operate with you and you with us in making effective in so far as possible those draft Conventions? That is all that is involved, and it is entirely yours to decide.

Not surprisingly, Murdoch's indifferent attitude evoked very little action from the provinces. The meeting ended with a resolution which did not express an opinion on jurisdiction, but which said:

> This Conference is of the view that the authorities deemed to be respectively competent to deal with the matters in question should give careful and sympathetic attention to such draft Conventions and Recommendations, with a view to enacting necessary legislation where this may become practicable, and that the Federal Government undertake on request from the majority of provincial Governments to call a conference for the consideration of any aspects of these matters which may be deemed necessary.

This was not exactly a call to action. A provincial delegate suggested that the resolution might mention the fact that "one province" (British Columbia) "has already adopted several of the draft Conventions, with the proviso that the same shall become effective by proclamation when other provinces have done likewise". But there was an objection that the mention of one province having done this might imply that the others ought to follow suit. The suggestion was dropped.

The conference had spent a lot of its time on the question of jurisdiction. But clearly this was not the real problem. What was lacking, at this time, was political will. Few of the delegates had the intention or desire to adopt legislation on the eight-hour day or on the substance of other ILO conventions.

The following year another Dominion-provincial meeting was held, this time exclusively on ILO questions. This conference was well planned and organized. The federal Labour Department had prepared documents concerning Canada's position on each of the conventions and recommendations adopted at the first three sessions of the ILO Conference. The conference went over the documents and passed resolutions on those for which the provinces had jurisdiction. But the results were not a great deal better than those of the previous year. In the case of one convention (freedom of association in agriculture) the delegates considered that Canada was already in conformity. Maternity protection, however, the subject of Convention 3, was "not a live question in Canada, and appears to be satisfactorily taken care of by local regulations".

The delegates thought that Convention 4, concerning the employment of women at night, should be "accepted as a basis for securing uniform legislation within each province". They reached the same conclusion about the convention on minimum age for employment. But concerning most of the others, including the one on hours of work, the delegates contented themselves with suggesting "further study". Little seems to have been done to follow up on the action proposed in these resolutions.

The question of jurisdiction over hours of work was referred by the Dominion government to the Supreme Court of Canada. Lawyers for the Dominion argued that the subject was within provincial jurisdiction, except for federal workers. Québec made a similar contention. Ontario and Nova Scotia, the only other provinces to appear, argued that if a draft convention were formally ratified, then the Dominion government would be obliged to take any action necessary to make its provisions effective. In the absence of ratification, jurisdiction remained with the provinces.

The Court ruled, on June 11, 1925, that jurisdiction on hours of work lay mostly with the provinces, as the federal and Québec lawyers had argued. But some jurists thought that the Court's opinion did not deal with all aspects of the problem and did not finally settle the matter.

In 1926 Canada at last ratified its first ILO conventions. These created no constitutional problem since their subject matter applied to an industry within federal jurisdiction. The four conventions set up various standards for maritime workers. Their requirements had been fully met by amendments to the Canada Shipping Act; there was no provincial involvement.

Interest in conventions that were within provincial jurisdiction now appeared to dwindle. The federal government referred such conventions formally to the provinces as they were adopted. The provinces occasionally sent representatives to the ILO Conference in Geneva at their own expense. During a general federal-provincial conference of 1927 a question was briefly raised concerning the status of provincial participants in ILO meetings. But no consultations of comparable importance to those of 1922 and 1923 took place on ILO matters.

It is worth mentioning that the redoubtable Albert Thomas paid an official visit to Canada in 1923. Edward Phelan, who accompanied him, gives a lively account of Thomas' adventures: a painfully late arrival at a dinner given by the Governor General; demolition of hecklers at a labour meeting in Montréal; a brush with customs officials on his way by train to Washington.

Thomas reported to the Governing Body on his visit to Canada. He had attended a meeting of the Cabinet, and had had "a long and very interesting" talk with the Prime Minister and the Minister of Labour concerning the problem of ratification of conventions in a federal state. Mackenzie King "welcomed us not only with expressions of friendship but with the warmth and enthusiasm of a statesman who sees in the development of the International Labour Office the realization of one of the ideas to which he attaches the greatest importance".

Thomas seems to have over-estimated King's attachment to ILO ideas. King was not a deep friend of international organizations; he was not at all sure Canada ought to remain on the ILO Governing Body or (three years later) that Canada should seek membership on the Council of the League of Nations. And, as we shall see, in 1935 King as leader of the opposition vigorously opposed the proposal of Prime Minister Bennett to ratify certain ILO conventions.

Tom Moore continued to urge support for the ILO. In 1922, when the Trades and Labour Congress of Canada (TLC) issued the first number of its new official magazine, the *Canadian Congress Journal*, Moore devoted the lead article to an account of the ILO and its works. He set out his hopes for the ILO but warned his labour readers that Communists and employers alike wanted to repudiate the Organization:

> The International Labour Office must continue to receive support; it is the greatest experiment in co-operation that has yet been attempted and

> should it fail there is then no other alternative but unbridled class warfare. This is fully recognized by the adherents of the Communist Parties throughout the world who are making untiring efforts to bring about the repudiation by the labour forces of this Organization.
>
> On the other hand there are vast numbers of employers, solidly entrenched in their own position, drunk with the power that money and authority have temporarily vested them with, who would likewise repudiate this Organization careless or ignorant of what the result would be.
>
> Briefly summed up this Organization has not measured up to the full standard of accomplishment expected by the workers. . . .
>
> Obstruction and unreasonable delay from governments and employers must cease and its decisions become more generally accepted than is the case up to the present. It must be more than a deliberative assembly, though it is readily acknowledged that even the bringing together of so many widely separated interests into one great international meeting has accomplished much by breaking down prejudices and misunderstanding between classes and between nations. . . . Its works must not be hampered by selfish considerations or misplaced ideas of economy.

Moore was to make many such pleas. But for Canada during the 1920s the ILO seemed to be an idea whose time had not yet come.

8

Depression and Dictatorships

The 1920s ended with disappointments for the ILO itself and for Canada in its relationship with the Organization. The ILO had failed to build its standards into a system of international labour legislation; and Canada, with its federal constitution, had failed to find a method of dealing with labour conventions.

The ILO had nevertheless achieved a considerable measure of success. Its research, publications, and meetings were useful. Its labour conventions could be seen as a system of international labour standards, and its member countries were ratifying them, albeit at their own pace and selectively.

For different countries the act of ratification had different meanings. Britain had declined to ratify the Hours Convention unless it could be certain that its law and practice corresponded precisely with the convention's requirements. Albert Thomas had thought Britain was being too scrupulous over details. On the other hand certain countries had ratified conventions with enthusiasm without implementing them properly through legislation and methods of enforcement.

In 1926 the International Labour Conference took action to try to cope with the second problem. It established supervisory machinery to deal systematically with reports submitted by governments on the conventions they had ratified. The following May the Committee of Experts met for the first time. The experts noted several instances of inadequate compliance and transmitted their findings to the Conference. The Conference set up a Committee on the Application of Conventions, composed of employer, labour, and government delegates. This committee discussed the experts' findings and submitted its own report to the Conference in plenary session. The report was carefully factual rather than condemnatory. It was adopted by the Conference and published as part of the Conference *Record of Proceedings*. The significance of this action lay in its appeal to public opinion.

This was the beginning of the review process which continues to be a highly important task of the annual ILO Conference. It was a pragmatic response to a need which everybody perceived. It was also an innovative development in international law.

Although the pace of ratifications was not what might have been hoped, it turned out that the ILO conventions were useful in another way. The very fact of their existence provided a stimulus to social progress. The eight-hour day and the 48-hour week; one day's rest in seven; the limitation of night work; workmen's compensation; minimum-wage fixing machinery — these had now become internationally recognized ideas, with the authority of the League of Nations and the ILO behind them. Albert Thomas could indeed boast: "We have taught the world to speak something like the same language on social questions."

This was less than the proponents of international labour legislation had hoped for. But the Conference had had to make a choice: to adopt conventions with a high standard that would stand as targets for the future, regardless of whether governments were prepared to ratify them for the time being; or to undertake the patient negotiations and make the accommodations necessary to achieve conventions that governments would regard as immediate targets. The workers group had shown, by its refusal to permit more flexibility in the application of the Hours Convention, that it preferred a high standard with few ratifications to a more moderate standard which could be ratified by a larger number of member countries.

The inevitable result was that the influence of ILO conventions declined. Governments took them less seriously, and indeed began to pay progressively less attention to ILO Conference decisions generally. This trend was already apparent by the end of the ILO's first decade. During the 1930s the ILO Conference adopted no less than 39 conventions, the largest number in any decade in its history. Few of these, however, were to receive many ratifications.

During this period the ILO made its first big venture into economic policy. When the Great Depression struck, Albert Thomas was primarily concerned with its effect on working people; i.e., unemployment and, for those who had jobs, a reduction in wages and living standards.

The remedies the ILO Office proposed included a reduction in working time — since workers with jobs still had long schedules — and direct job-creation projects by governments, coupled with international projects aimed at improving transport and communications.

Thomas died suddenly in 1932, but the Conference followed his initiative throughout the decade. The method was to adopt conventions, but the ILO had failed to develop a system whereby the adoption of international conventions would trigger national action. ILO influence had declined and its conventions failed to make a decisive impact on governments.

In the United States, however, President Roosevelt and his New Dealers were attracted by the ILO Office's prescription of reduced working time and public works, and the United States joined the ILO in 1934. European governments were less receptive. The Conference adopted several draft conventions on hours of work and rejected others. One that was adopted set a general standard of a 40-hour week; others sought to establish standards for particular industries. None received many ratifications.

ILO Office ideas concerning public works were adopted by the Conference in the form of recommendations. This happened only towards the end of the decade, and the advent of war makes it difficult to assess their influence. During the 1930s the ILO also adopted several conventions on social insurance. These were pioneer attempts and some of their provisions were inappropriate. The majority of these conventions received few ratifications, but they did establish the idea internationally. After the war they were revised with more success.

During this time the rise of totalitarianism in Europe, which was to lead to World War II, was having repercussions on the ILO. Mussolini had brought Fascism to power in Italy in 1922. When Mussolini substituted a representative of his own corporatist labour organization for the previous Italian workers delegate, the workers group challenged the man's credentials. The challenge was rejected by the Conference Credentials Committee through the combined votes of representatives of employers and of governments which disliked, in principle, attacks on any government's authority.

In 1927 the Conference considered adopting a convention on freedom of association, intended to provide some kind of safeguard for the integrity of voluntary labour organizations. The subject was put on the agenda for discussion in two consecutive years; it was the first time the

Conference had used the double discussion procedure, which is now its usual practice. The Conference committee that considered the question adopted certain proposals which the workers group felt would severely weaken the convention. In particular the workers opposed the committee's view that the convention should safeguard not only a worker's right to join a union but also the right not to join a union, a requirement which they believed could lead to union-breaking activities. The workers proposed several amendments in plenary session but, when these were defeated, they voted against putting the convention on the agenda of the following year's Conference for "second discussion". They were joined by the employers, who disliked the draft convention for other reasons. Further consideration of the proposed instrument was thus defeated — until, said Léon Jouhaux, the climate in the ILO became more favourable. This was to happen only after World War II.

It was at the Conference of 1933 that Nazi delegates made their first and only appearance at the ILO. They made their presence felt at the opening session, when the Conference elected as its president Giuseppe de Michelis of Italy, who was proposed by the French government delegate and seconded by the British. The employers group supported de Michelis, but the workers group, which had for years been challenging in vain the credentials of the Italian worker nominee, did not. Léon Jouhaux, their spokesman, said simply: *Monsieur le Président, les ouvriers déclarent s'abstenir.*

Robert Ley, the Director of the German Labour Front, was the German worker delegate. He had been named by the Nazi Government to replace the representative of the General Federation of Trade Unions (ADGB), formerly respected as one of the most powerful of the world's free trade union organizations. Ley took the floor to declare that, as spokesman for ten million organized workers in Germany, he dissociated himself from Jouhaux's remarks, in appreciation of the personal qualities of de Michelis and to show "the great friendship which we have for Italy". The Nazi-Fascist kinship was expressing itself.

The International Federation of Trade Unions, to which the ADGB had been affiliated, lodged a challenge to the credentials of the German workers delegation. While this was still being considered by the Credentials Committee, Ley spoke to some journalists outside the Conference and made some racist remarks about certain other delegates, which need not be repeated here. The workers group thereupon excluded Ley from their meetings. Ley denied his remarks, and so did his government. When the denial was not accepted by the workers, the entire German delegation withdrew from the Conference.

The Conference *Record* for 1933 contains the report of the Credentials Committee, including the text of the challenge from the IFTU. This lengthy document tells of the destruction of the free trade union organizations in Germany, the confiscation of their property, the acts of violence, mass arrests, dispatch of militant workers to prisons or concentration camps, and the substitution of the Labour Front, which

> is directed by a hierarchy whose powers are derived not from the workers but from the Government, and who act not in the name of the workers but in the name of the National Socialist Party, which identifies itself with the Government.

To the embarrassment of the Italian President of the Conference, the workers group made lengthy speeches about the report in plenary. Jouhaux said, in part:

> We learned to love and admire Germany in the past; but it was the Germany of the savants and thinkers, the Germany of Goethe and Schiller. It is because that Germany is being destroyed that we protest. We are proud of having, for a few moments, acted as the conscience of the world and of having acted here as the interpreters of civilization in its protest against the destruction of Germany.

The President said that he would regard as relevant only those remarks that bore directly on the credentials question. He concluded by urging Germany to return to future sessions of the Conference. But Germany was not to resume its place in the ILO until 1951.

Had the German delegation remained at the Conference in 1933 it is not certain, or even likely, that Dr. Ley's credentials would have been rejected. The Credentials Committee acted only to the extent of observing that the Germans had withdrawn and that therefore "it would serve no useful purpose to pursue the examination of the question".

At the Conference of 1936 the Soviet Union appeared for the first time. The USSR had joined the ILO reluctantly. For the Kremlin, the ILO was a reformist agency of world imperialism. The USSR's main interest was in joining the League of Nations, and the League had ruled that entry into the League carried with it, necessarily and automatically, membership in the ILO.

In 1936 the Soviets sent only a government delegate to the Conference. The following year they sent a tripartite delegation. The Conference workers group accepted the Soviet worker, but the employers group challenged the credentials of the Soviet employer. The matter was not settled by the Credentials Committee but was referred back to the Governing Body. In 1938 the question did not arise since the Soviet Union stayed away from the Conference altogether, and also from the Governing Body.

In 1940 the Governing Body accepted, without debate, a report from its officers recommending that the seat the USSR had occupied as one of the states of chief industrial importance should be declared vacant. The officers noted in their report that the cessation of Soviet membership in the League of Nations meant that the USSR ceased to be entitled to automatic membership in the ILO. They also noted that the Soviet Union had ceased, since May 1937, to take an active part in the work of the ILO or to send a representative to either the Governing Body or the Conference. Factors that probably influenced members of the Governing Body more, although not mentioned in the report, were the Soviet German pact of 1939 and the Soviet invasion of Finland. As well, by this time Italy had ceased its participation in the ILO.

The experience of the 1930s showed how awkward it was for countries under totalitarian rule to participate in the tripartite ILO. Yet the goal of universal membership seemed necessary if the ILO was to reduce international trade competition based on low labour standards. The problem of incompatibility between the principles of tripartism and universality was to cause further trouble within the ILO in the postwar years.

9

Canada at Geneva: The Thirties

During the 1930s events at ILO meetings in Geneva seemed remote to Canadians. The newspapers took note in 1932 when, for the first time, a Canadian was elected President of the International Labour Conference. This was Senator Gideon Robertson, the same man who had been Minister of Labour and Canadian government delegate to the Washington Conference of the ILO in 1919.

The way to election was smoothed for Senator Robertson by the lobbying of the Canadian Advisory Officer in Geneva, Walter Riddell. A Canadian historian, Donald M. Page, has described Riddell's skill in arranging appointments to full-time or elective posts in the ILO and the League of Nations. Such appointments often received glowing treatment in editorials in Canadian newspapers. Page observes:

> When a Canadian received an important position in the League, his countrymen naïvely interpreted this as a great honour bestowed on a young nation for her honourable achievements during the war and at Geneva when, in fact, the decisive reason for the selection of Canadians was Riddell's successful lobbying. Positions for nationals of small overseas members were obtained through personal contacts and bargaining.

About the time of Robertson's election Riddell became aware of an opportunity to gain an important post for himself, the chairmanship of the ILO Governing Body. This post had been occupied exclusively by the Frenchman Arthur Fontaine from 1919 until his death in 1931, in spite of the chafing of others who would have liked to have had their turn at the honour.

Riddell reported to the new Minister of Labour, W.A. Gordon, who had succeeded Robertson, that an informal arrangement had now been made whereby the post would henceforth be held for a one-year term only and rotated among government members of the Governing Body. The order of rotation would be as follows:

1. a European state of chief industrial importance;
2. a non-European state of chief industrial importance;
3. a state that had been elected to the Governing Body by the Conference.

Provision had also been made for the designation, according to the same formula, of a government vice-chairman, who would serve for a year and then would succeed to the chairmanship.

Riddell noted that the present chairman was from Belgium, then one of the European states of chief industrial importance, and thus in the first category. The vice-chairman, who would succeed to the chairmanship in October of 1932, was from India, in the second category. In 1933 the chairman would be from one of the four states elected by the Conference, and in 1934 it would be another European.

In 1935 the choice would lie between Japan and Canada, and in Riddell's opinion Canada would probably be chosen provided — and this was significant — that the Canadian government representative were a regular member of the Governing Body. Riddell himself had been a substitute and not a regular member. Since the founding of the ILO, the regular member for Canada had always been the Minister of Labour of the day. But Riddell pointed out that the Minister had almost never been able to attend. He suggested that the time had come to reconsider the question, and that if he himself were appointed as regular member he would probably be elected vice-chairman in October 1934 and chairman in October 1935.

Riddell set the matter out plainly and frankly, with no beating around the bush, and he drew the response he wanted: he was named the Canadian government representative on the Governing Body in 1933. In due course Riddell became chairman. But he very nearly missed out.

On August 20, 1934, the United States joined the ILO. Frances Perkins, who was President Roosevelt's Secretary of Labor at this time, has told the story of how this came about. She herself had become convinced that the United States should join this international organization and gain a window on world labour events. She had no trouble persuading Roosevelt who, as we have seen, had helped in the preparations for the first ILO Conference in Washington. But the approval of Congress would be required; and Roosevelt warned her that he himself would do nothing that might feed the isolationism that was so powerful a force in Congress. He gave her advice on how to lobby the State Department and Congress, providing them with persuasive information, combining patience with persistence and, finally, when the moment was ripe, rallying her friends in Congress to take decisive action. It all went smoothly, and Congress approved American membership in the ILO, the only stipulation being that this would not involve the U.S.A. in the affairs of the League of Nations.

On September 18, 1934, the Soviet Union also joined the ILO. As we have seen, it did so reluctantly, bowing to a League of Nations ruling that membership in the League automatically entailed membership in the ILO. At that time the Soviet Union saw little value to itself in the reform capitalism of the ILO; it was not until 20 years later that the Soviets, in a more expansionist spirit, saw possible advantages in the international forum that the ILO provided.

The Governing Body took note of these two giant additions to ILO membership at a meeting in late September. The situation was that the two new countries had become members of the International Labour Organization but not yet members of the Governing Body. Clearly they were both among the eight states of chief industrial importance, thus entitled to permanent seats. The Governing Body instructed its officers to study the question of re-allocation of seats.

Riddell had now become one of the officers. The system of rotation had worked as anticipated: an Italian, de Michelis, was chairman; Riddell was vice-chairman, and in line to be elected as chairman the following year.

In order for the U.S.A. and the USSR to be seated, two other countries would have to give way. Presumably this meant Canada and Belgium, for these were the countries that appeared to rank seventh and eighth in order of importance.

The ranking was based on statistical factors and, depending on the system of measurement used, different rankings might be obtained. Canada could obviously make no claim to outrank the two new entrants, but it might have a claim to surpass Italy or Japan, depending on the criteria used to assess industrial importance.

Moreover, it was questionable whether it was constitutionally proper to change the membership of the Governing Body immediately. Did the Governing Body have power to decide? Or did the power rest with the Conference? And if it rested with the Conference, how frequently could membership on the Governing Body be changed? Elections had taken place at the 1934 session and were not due again until 1937. Could a change in membership be made in the meantime? The ILO Constitution seemed to be open to various interpretations on these points.

The story of how Canada held out and resisted being removed from the Governing Body to make room for the newcomers has often been told. Canada is sometimes criticized for not giving way gracefully. But it is not always recognized that Canada had an excellent case, on constitutional grounds, for retaining its membership. There was a question also of the status of Tom Moore, the Canadian worker member of the Governing Body, and whether he should be removed to make room for an American trade unionist.

Files in Canada's Public Archives contain a memorandum setting out the Canadian case. The memo is unsigned, except for the initials "JER", but someone has pencilled in the heading: "Mr. Read's Memorandum". John E. Read, then a young officer in External Affairs, was later to become one of the world's most eminent jurists as a member of the International Court of Justice.

Read displayed no doubts about the merit of Canada's case. Referring to Article 393 of the Treaty of Versailles (which became Article 7 of the ILO Constitution and was revised years later) and to an interpretation made by the League of Nations in 1922, Read concluded that it was for the Conference, not the Governing Body, to determine the list of the eight states of chief industrial importance, and that the Conference could only do so every three years, and even then subject to the possibility of an appeal to the Council of the League of Nations.

The practical effect of Read's opinion would have been to postpone the admission of the United States and the Soviet Union to the Governing Body until 1937, although they might have been allowed to participate earlier as deputy members, or as full members to fill any vacancy that might occur.

Canada argued that, although such a delay would be unfortunate, this was not Canada's fault. The Canadian position was that the question of the United States being represented on the Governing Body was quite distinct from Canada's removal therefrom. Canada was as emphatically in favour of the former as it was opposed to the latter, but the question would have to be settled by constitutional means. Canada hoped that resort would not be made to unconstitutional procedures and that a seat on the Governing Body could be arranged for the United States in some proper way. (Little was said about the Soviet Union.)

For the International Labour Office, the prospect of the United States coming into the ILO was of transcendent importance. Riddell was to complain in a dispatch to Ottawa of the "strong-arm methods" adopted by the Office to pursue its objective of placing the United States on the Governing Body.

On December 7, 1934, Riddell, as vice-chairman of the Governing Body, attended a meeting of the officers in Paris. The officers were presented with notes prepared by the ILO Office which, Riddell reported, made clear the Office's intention to exclude Belgium and Canada from the eight states and to substitute the United States and the USSR. In presenting the notes, the officials of the Office maintained that the Governing Body had full authority to draw up a list of the eight states and to apply it.

Riddell opposed these propositions but found himself alone against the Italian chairman, the employers and workers vice-chairmen, and, of course, the Office. He explained the situation in a telegram to Ottawa, dated December 10, and asked for instructions by December 14. The instructions he received were determined in part by an unrelated twist of circumstance. Riddell's telegram went to External Affairs, which transmitted it to the Labour Department but not until December 13. The Deputy Minister of Labour, much vexed, sent off instructions immediately, and complained the next day to External Affairs about the delay. The Deputy Minister told Riddell, in effect, to stick to his guns and to follow the line that the International Labour Conference was the only authority with power to determine the eight states.

In early January 1935, External Affairs sent Riddell a telegram calling for a more moderate approach. This telegram said that the government desired to maintain the permanent Canadian seat on the Governing Body but did not wish to find itself in an isolated position and saddled with the responsibility for excluding the United States. Riddell was told to ascertain the positions of the Soviets, the Belgians, and the Germans. Germany had given notice of withdrawal from the ILO, and its seat would become formally vacant in October 1935. Could the seat be used for the United States in the meantime?

Riddell spoke privately with Maxim Litvinoff, the Soviet delegate to the League of Nations. Litvinoff gave him encouraging news. He said that the Soviet workers had informed their government that they had no desire to collaborate with the ILO. In consequence, the USSR had no intention of occupying a seat on the Governing Body. Unless the workers changed their minds, the Governing Body was free to dispose of the seat as it saw fit.

For today's observer this statement by Litvinoff appears startling. Nowadays at the ILO, Soviet employer, worker, and government delegates speak with the same voice. Were things different in the 1930s? Were Soviet labour unions able to hold opinions that were independent of government policy? Or did Litvinoff have his tongue in his cheek when talking with Riddell? Perhaps the explanation lies in a combination of these reasons.

Riddell found that Belgium did not intend to fight to defend its Governing Body seat. As for Germany, no one was prepared to raise the issue of its vacant seat until the expiration of its notice of withdrawal.

In the meantime the proposal had been gaining currency that Belgium and Canada, if replaced by the USSR and the U.S.A., should be given seats as deputy members of the Governing Body. This idea Riddell described bitterly as a "sop". (We may note, although Riddell did not refer to it, that as the representative of a deputy member country he could not have become chairman of the Governing Body.)

Meanwhile the Labour Department repeated its instruction to Riddell that he should resist Canada's being deprived of its permanent seat. And this position was approved soon after by Prime Minister R.B. Bennett.

The Governing Body met to consider the matter on January 31. It had before it the recommendation of the majority of its officers — that the Governing Body should decide immediately to classify the United States and the Soviet Union as states of chief industrial importance, replacing Canada and Belgium, who would be given deputy membership in the Governing Body.

At the meeting Riddell was the first to take the floor. He spoke for more than an hour and presented the Canadian case comprehensively in a carefully reasoned fashion.

The Belgian representative spoke next. He was Ernest Mahaim, the same Mahaim quoted earlier, one of the founding fathers of the ILO and one of the early advocates of international labour legislation.

Mahaim was universally respected. He had grown old in the cause; he had served his term as chairman of the Governing Body. He now voiced his grief that near the end of his life he found his country excluded from the institution he had helped to found. It was of course the duty of every country to defend its rights to the utmost. But countries must also consider whether it was better to maintain their rights or to work for the good of the International Labour Organization. The time had come, he said, to place the interests of the international institution above national interests. Belgium would not seek to retain its place on the Governing Body. Mahaim had the opportunity to make a speech of grace and nobility and he rose to the occasion. One can picture the scene, with hardly a dry eye in the house.

But human nature is complex. Mahaim was certainly sincere in his statement. Yet before the meeting he had confided to Riddell that if his government had been in the position of Canada it would undoubtedly have contested the proposals in the majority report. It had decided not to oppose the report since it realized that Belgium had no chance whatever of being included among the eight states of chief industrial importance. Mahaim, then, had made a virtue of necessity.

Riddell commented in his report to Ottawa that Mahaim's attitude had greatly weakened the Canadian position.

Two other delegates, from Great Britain and from India, spoke in favour of the position taken by Canada. Several others also showed sympathy with the Canadian arguments but indicated that they had decided to accept the majority report.

The vote was taken in two parts: the first naming the new list of eight states and providing for its application at the next session of the Governing Body; the second providing that Canada and Belgium should be recognized as deputy members until the next election of the Governing Body.

The first resolution passed by 24 votes to one. Canada cast the only vote against; Belgium, Britain, and India abstained. The second resolution was carried with no votes against; but Belgium and Canada abstained.

So Riddell had lost his battle, though he had fought well. The question may still be argued whether it was wise for Canada to have persisted instead of yielding gracefully like Belgium. After all, no matter how sound Canada's case was constitutionally, the political circumstances dictated that the United States be admitted, and the Soviet Union could hardly have been left out.

The Canadian failure to bow out gracefully has been criticized, more perhaps by Canadians themselves than by others. Over the half-century since, Canada's posture at the ILO, as at other United Nations meetings, has generally been that of the "nice guy", reasonable, willing to eschew advantages if this will contribute to the general good.

Canadians have been proud of this position, but it has been a lonely one. Few other governments have done the same. Our good nature has sometimes been exploited; and accruals to the general good from our concessions have not always been apparent.

In my experience, delegates from other countries understand us, and do not fail to respect us, when we defend our own interests. It would be difficult to argue that Riddell's tough stand over the "eight states" issue did Canada any harm. His position was understood and respected even by those who were most moved by Mahaim's emotional act of renunciation. A few months later, when Germany's withdrawal from the ILO became official, Canada was given the vacant seat — on motion, be it added, of Mahaim himself, who again made the gracious gesture.

It is pleasant to add that Belgium also came back on the Governing Body as a state of chief industrial importance when Italy ceased its membership in the ILO not long afterwards.

Moreover, Riddell had his term as chairman of the Governing Body. It was a near thing. Germany's withdrawal from the ILO became effective on October 21, 1935. On October 24 the Governing Body met in closed session and decided that Canada should be given the vacant seat. This decision made Riddell eligible for the chairmanship, and he was immediately elected. Many gracious things were said about him by other members of the Governing Body and in newspaper stories in Canada.

While this episode attracted a good deal of newspaper interest, the ILO continued more quietly to pursue its goal of improving conditions of labour. The same session of the Governing Body that removed Canada and Belgium from membership also decided, over the objection of the employers, to place on the agenda of the Conference the question of the 40-hour work week. In due course the Conference adopted a convention on the subject, which almost nobody ratified. The power and influence of ILO conventions was continuing to decline.

In 1937 Walter Riddell left Geneva, exchanging posts with Hume Wrong, counsellor of the Canadian legation in Washington. Riddell had been in Geneva for more than a decade; he knew the ILO thoroughly and accepted its ways. Wrong had a fresh outlook, which gives special interest to a report he wrote after a few months on the job giving his impressions of the ILO and of Canadian participation in its work.

Wrong sent the report directly to the Canadian Minister of Labour, Norman Rogers, but it seems to have been widely read and discussed. His attitude towards the ILO was friendly and sympathetic, but his opinions were blunt. He observed that the unique feature of the ILO Constitution was the participation of employers and workers along with governments. This pre-supposed, in member countries, the existence of a free capitalist system. State socialism and totalitarianism were not compatible with this fundamental principle of the ILO Constitution; and Wrong noted that Germany and Italy had withdrawn from the ILO and that the USSR's membership had become inactive.

Wrong commented on the idea that the ILO's annual Conference should resemble an international legislature, adopting statutes in the form of draft conventions or recommendations which would be promptly ratified or accepted by all important countries. A certain amount had been accomplished, but Wrong was sceptical about the future. He thought the ILO could do more good by concentrating on its role as an international centre of inquiry and research, seeking to influence individual governments, than by seeking international acceptance of uniform standards.

These functions of the ILO, although less spectacular than the standard setting work, were of real importance. The Office, as a research organization, was producing material available from no other source; while its expert committees provided a means for disseminating experience and knowledge. Wrong saw this side of ILO work as helpful to Canada. The division of jurisdiction, which placed the subject matter of most ILO conventions outside federal responsibility, had made the Canadian attitude towards the ILO one of friendly interest rather than active participation. However, if the ILO was indeed shifting its emphasis, then Canada could participate more actively in ILO work.

Wrong's view, that the ILO could do more useful work through research than through standards, would not have appealed to those who deeply admired standards as an international system. And in fact Wrong did not foresee the upturn in the effectiveness of standards during the postwar years. But his general view of the ILO was positive. As we shall see, he was to help in a decision that proved crucial for the ILO's survival — its move from Geneva to Montréal during the war years.

He also made a number of proposals aimed at improving the Canadian performance at annual ILO Conferences and the manner of dealing with ILO conventions at home. He called attention to one problem that concerned him particularly in his role as one of the Canadian government delegates to the Conference. The "advisers" who were assigned to him, to represent the Government of Canada on Conference committees, did not come from government departments; instead they came from organized labour. Wrong noted that the Trades and Labour Congress of Canada (TLC), which was the largest labour body in Canada, was invited to nominate the worker delegate to the Conference, together with an adviser. Nominees from the smaller organizations, such as the All-Canadian Congress of Labour, the Catholic Confederation of Labour, and the independent Railway Brotherhoods, were placed on the delegation not as worker advisers but as advisers to the government delegates.

Wrong devoted a large part of his dispatch to discussing this "dubious practice". He complained that it was impossible for the government delegates to control the participation of these men in committee discussions and to see that they abided by the general instructions of the delegation. In some cases the persons appointed did useful work as men familiar with the problems before the committees and through consultation with the government delegates. "In other cases they either play no active part or follow their natural instinct to join with the representatives of labour on the committees."

He urged that these unwanted government advisers be transferred to the worker segment of the delegation: "If the Government delegation were freed from the incubus of providing indirect representation for certain elements in Canadian labour, its effectiveness could be much improved." In particular the Dominion Government might encourage representation from the provinces.

The Minister's response to all this was appreciative but non-committal. The problem was not a new one. As early as 1922 the Catholic Confederation, whose members came almost entirely from the Province of Québec, had sought the right to be represented at ILO meetings. But the Trades and Labour Congress, which was by far the largest labour body in Canada, claimed an exclusive right to represent Canadian workers overseas.

It was a difficult situation. Canada, of course, was by no means the only country where a number of labour organizations sought representation at the ILO. Indeed, one case had already been submitted to the International Court of Justice. The case involved the Netherlands, and the Court ruled, in 1922, that in circumstances where more than one organization had a claim, a government was required under the ILO Constitution to do its best to effect an agreement with all the most representative organizations of employers or workers, as the case might be, concerning the composition of the delegation. The Canadian government chose a different procedure. In 1924 it invited the nominee of the Catholic Confederation, Pierre Beaule, to attend the Conference as a government adviser. Beaule accepted, and gradually over the years other labour organizations obtained the same privilege. It was an unsatisfactory arrangement. But, as Norman Rogers, who had inherited the problem and not created it, observed ruefully to O.D. Skelton, the Undersecretary for External Affairs, in discussing Wrong's forcefully expressed views: "While I agree with the sentiments he expresses I fear that he does not appreciate that it is very much easier to start a practice than to discontinue it."

The problem was not settled until after the war. As the ILO began to assume more importance for Canada, the size of the Canadian delegation increased, and this made it possible to give the worker delegate, still chosen on the nomination of the TLC, a larger number of advisers, some of whom came from other bodies. On the employers' side, the delegate, nominated by the Canadian Manufacturers' Association, received advisers from the Chamber of Commerce, the Canadian Construction Association, and the Canadian Railway Association.

10

Bennett's "New Deal" Ratifications

For a few months in early 1935, ILO conventions were discussed and argued in the Canadian Parliament to an extent that has never happened since. This was when the Government of R.B. Bennett decided to ratify several conventions and to use them as a basis for important social reform. In the attempt, Bennett used the treaty power given to the federal government in Section 132 of the British North America Act. He hoped in this way to acquire jurisdiction to pass federal laws, that would apply throughout Canada, to implement certain ILO conventions on subjects that would normally be within provincial jurisdiction.

The attempt failed, but it nearly succeeded. Had it done so labour law and policy in Canada would be very different from what they are today. Responsibility would be based in Ottawa, and labour standards in consequence would be consistent throughout the country.

The story began in early 1935 when, only a few months from an election, Bennett decided to follow the example of the Roosevelt administration in the United States and introduce a "New Deal" program of social legislation. The components would include, among other things, a limiting of hours of work, and the fixing of minimum wage levels, matters which had been dealt with in ILO conventions 1, 14, and 26. The Bennett "New Deal" also included legislation on unemployment insurance.

During the depths of the great depression Canada's main problem of course was unemployment. But for many of those with jobs the pay was exploitatively low and conditions of work were poor. Bennett proposed to set up a tripartite commission that would establish minimum wage levels throughout Canada. Two other laws would require that workers' hours be limited to eight in a day and 48 in a week, and that workers be given one day's rest in seven.

Under normal circumstances the federal government would have been unable to enact measures of this kind since jurisdiction belonged to the provinces. This was where the ILO came in. Since 1919, opinion had swung back and forth as to whether the government had power, under Section 132 of the British North America Act, to pass legislation to implement ILO conventions even though their subject matter might normally fall within provincial jurisdiction. Bennett concluded that the federal government did indeed have such power, provided that a certain procedure was followed. Canada would first have to ratify the conventions. It would then become bound, as by a treaty. Having thus acquired jurisdiction, Canada could then enact legislation to implement the conventions' requirements. The government not only "could" enact legislation but would be bound to do so to fulfill the international obligations it had undertaken.

When Bennett took his initiative, Canadian action to implement ILO conventions had been at a standstill for many years. Successive federal governments had taken the position that on most ILO subjects the provinces had jurisdiction; but the provinces had shown little desire to amend their legislation to bring it up to ILO standards. So Canada had ratified only four conventions, all of which dealt with matters within exclusive federal jurisdiction.

Bennett began by introducing a series of resolutions in the House of Commons that would "approve" each of the conventions separately. The next step was for the Government to "ratify" the conventions by executive act and transmit the instruments of ratification to Geneva. Meanwhile the Government introduced legislation with provisions that corresponded with the requirements of the conventions.

All this took up considerable time in the House, with separate debates over approval of each convention and over each of the implementing laws.

For good measure Bennett decided also to ratify three additional conventions: No. 22, Seamen's Articles of Agreement; No. 27, Marking of the Weight on Heavy Packages Transported by Vessels; and No. 32, Protection against Accidents of Workers Employed in Loading or Unloading Ships. The subject matter of these conventions was within federal jurisdiction.

Bennett began the process in the House of Commons on February 8, 1935. He explained why he believed there should be national rather than provincial legislation on hours of work:

> If there should be uniformity in hours of toil and cessation from toil so that there will be equality as between the provinces when goods are

> sold on the markets of the world, and if there should not be a mad competition in invitations to induce manufacturers to set up their factories in this province or in that because in a particular province he may work his labour longer hours than in another — if that is wrong, as everyone agrees it must be, there is only one method by which it can be dealt with, and that is by uniformity of law. That uniformity cannot be secured by piecemeal legislation, to use the language of the books, by one province enacting an eight-hour day law and another a nine-hour day; by one province making limitations of this character and another of another. Rather there must be placed upon the statute books of our country a broadly conceived statute that will ensure uniformity and equality in the work with respect to the matters in which the workman is interested.

Bennett also argued for the desirability of his proposed action from the point of view of international social policy. "Canada," he said, "has not a very good record with regard to the ratification of draft conventions which have been adopted at Geneva." Up to January 1935, Canada had ratified four conventions. He read a list showing that almost all the 49 ILO member countries had ratified more. He said there was a moral obligation under the Peace Treaty to ratify labour conventions. Apart from this:

> I think it is in the interests of this country that we should do so, having regard to the necessity of maintaining and improving the standards of work and of living in the other countries of the world, especially the industrial countries with which we compete. We have sometimes complained of unfair competition and of conditions of living and labour in other countries, but failure on our part to ratify certain Conventions that have been made has had the effect of creating a rather unfavourable opinion amongst other countries that have adopted them.

Mackenzie King was leader of the opposition at this time. Having been in power during most of the 1920s, he wanted to refute Bennett's imputation that he had not done enough with ILO conventions. He was quick to insist that Canada's record of action on conventions had not been bad.

"Because Canada has been able," he said, "to send word to the Labour Office at Geneva that she had already enacted most of the measures asked for by these Conventions it has not been necessary to come before this Parliament and ask for any approval of them. Instead of our record being bad, it has been so exceptional that it is beyond all question."

Where a convention fell within provincial jurisdiction the federal government's only obligation was to bring it to the attention of the provinces. This, he said, had always been done. "In most cases," he went on, "it was possible for the provinces to send word to the Labour Office of the League of Nations that already their requirements have been embodied in legislation which in some cases is far in advance of what is required by the Conventions; and there has been no necessity for asking any formal approval."

In arguing that Canadian legislation, federal and provincial, already exceeded ILO standards, King was misinformed. Some segments of Canadian industry matched ILO standards, whether voluntarily or through collective agreement, but others did not, and provincial legislation certainly did not require them to do so, for the most part.

In arguing that the federal government's obligation ended when it had brought a convention to the attention of the provincial authorities, he ignored the objective underlying the process, which was to encourage the provinces to enact legislation.

And in arguing that there was "no necessity" for Canada to ratify if its legislation, taken as a whole, was in advance of ILO conventions, King ignored the fundamental purpose of the ILO system, which was to get countries to commit themselves, through ratification, to keep their standards in force, and to refrain from international competition based on low labour standards.

King discussed the debate in his diary. He apparently had been too much involved in another of Bennett's "New Deal" proposals, unemployment insurance, to prepare himself for the debate on the ILO conventions. This may have been the reason for the surprising ignorance his speech displayed of ILO principles and of Canadian law and procedures on ILO matters.

In his later speeches, over the following weeks, he concentrated his argument on the single question of jurisdiction. He asserted that the Bennett proposals infringed on provincial jurisdiction and he urged a reference to the Supreme Court to decide their validity. When the Government declined to take this step (on the grounds that the ultimate appeal would be to the Privy Council) he did not oppose the legislation but simply noted that the matter of jurisdiction would have to be settled by the courts in due time.

Spokesmen for the newly formed CCF Party supported the Bennett proposals in general but declared that the 48-hour week was already out of date and should be replaced by a 40-hour or even a 30-hour standard. The Government replied that jurisdiction to legislate on hours of work derived from the ratification of Convention 1, whose terms were followed precisely in the bill before the House, and that to bring the bill out of line with the convention might weaken its validity.

It became evident that the 48-hour standard was too advanced for many Canadian employers. Questions were raised in the House by several members whose constituents were expressing concern about the adverse impact a 48-hour week would have on their businesses.

By July of 1935 the Bennett measures had all been passed. In October came an election, which Bennett lost. Mackenzie King, now Prime Minister, referred the measures first to the Supreme Court of Canada, which divided 3-3 on their validity, then to the Judicial Committee of the Privy Council in London. King had insisted in the House of Commons that the Bennett legislation would prove to be *ultra vires*, and it has been suggested that, this being his view, the case for federal jurisdiction was not presented in London with the greatest enthusiasm.

The Privy Council delivered its ruling in January 1937, stating that the subject of hours of work was normally within provincial jurisdiction, and that Section 132 of the B.N.A. Act did not confer on the Dominion the right to invade this jurisdiction. If Section 132 were to be interpreted as granting such authority, the federal government "need only agree with a foreign country to enact such legislation: and its Parliament would be forthwith clothed with authority to affect provincial rights to the full extent of such agreement. Such a result would appear to undermine the constitutional safeguards of provincial constitutional autonomy."

Accordingly the Privy Council ruled that the Hours of Work Act was *ultra vires* the Parliament of Canada. The decision closed, however, on what seemed to be a positive note:

> It must not be thought that the result of this decision is that Canada is incompetent to legislate in performance of treaty obligations. In totality of legislative powers, Dominion and Provincial together, she is fully equipped. But the legislative powers remain distributed and if . . . she incurs obligations they must, so far as legislation be concerned when they deal with provincial classes of subjects, be dealt with by the totality of powers, in other words, by co-operation between the Dominion and the Provinces.

For supporters of the ILO the Privy Council decision was a disappointment. The consequences were threefold: first, a block to social progress, although this was to prove temporary; second, a more lasting block to uniformity of labour standards in Canada; and third, a block to Canada's ability to play a full part in the ILO system. Moreover, the disallowance of the Bennett legislation meant that Canada was now in default of the international obligations it had assumed by ratifying the three conventions. This was indeed awkward. The situation caused embarrassment to successive Canadian delegations to Geneva.

The position was examined by the Rowell-Sirois Commission on Dominion-Provincial Relations, and was declared to be unsatisfactory. The Commission recommended "that the Dominion and the provinces together should decide how international labour conventions should be implemented".

This was in 1940. But for many years thereafter the Commission's advice went unheeded. While Mackenzie King was in power, his attitude set the tone for the Canadian approach to ILO conventions, particularly of course within the federal civil service.

The Privy Council's conclusion that the federal and provincial governments were "fully equipped" to deal with treaties by co-operation seemed more theoretical than practical to a generation of Canadian legislators and administrators. For many years the federal authorities made no serious effort to work out an arrangement with the provinces which would enable Canada to comply with ILO conventions.

The idea of federal-provincial co-operation was a challenging one, however, and in the 1960s the federal and provincial governments began to work more closely together on ILO matters. Only a few actual ratifications of conventions resulted, but as we shall see they were important.

The Bennett legislation marked a serious effort to use international labour standards as a lever for social progress in Canada. Its success would have improved conditions for an appreciable number of Canadians at the time. Half a century later the situation has changed. The federal and provincial governments all have minimum wage legislation. The five-day 40-hour week is usual in most Canadian industries, but there are still exceptions, and Canada even today falls short of perfect compliance with the 48-hour standard set forth in Convention 1 and with the provisions concerning overtime and exceptions. But this is not the result of nineteenth-century style exploitation; it reflects the fact that in a few industries, such as road transport, unions are prepared to agree to longer working hours; also that as long as overtime is compensated at premium rates it is popular with many workers.

Given that Canada has not achieved complete compliance with Convention 1, the question arises whether we ought to denounce our ratification. It is a moot point. Had the convention been revised, as the British suggested in the 1920s, our compliance might today be satisfactory. As it stands, the ILO has on its books an imperfect convention with which Canada's compliance is also imperfect.

The question of denunciation has been discussed at meetings in Canada involving employer, labour and provincial government representatives, and conflicting views have been expressed. The issue could be brought to a head by an examination of specific cases where long hours are being worked to determine whether they do indeed fail to meet the convention's requirements and, if so, whether something could be done to achieve compliance, or whether our ratification should be denounced.

Photographs

1. Scene from the ILO's first International Labour Conference, held in Washington in October 1919. Delegates adopted conventions on hours of work, unemployment, child labour and protection of working women.

2. As Canadian employer and worker representatives on the ILO Governing Body and delegates to the annual Conference through most of the 1950s, Allan Campbell (left) and Claude Jodoin helped make Canadian participation in the ILO more vigorous during this period.

3. **The ILO Governing Body, third session, London, March 1920**
   Second from left, sitting, F.A. Acland, Deputy Minister of Labour of Canada. Fourth from left, sitting, Arthur Fontaine, Chairman, Governing Body. Behind him, standing, with dark moustache and beard, Léon Jouhaux, President of the Confédération générale du travail of France. Two places to his left, Albert Thomas, Director of the International Labour Office.

4. Formal opening of ILO headquarters in Geneva, 1926. In the first row: Albert Thomas (left), Mr. Haberlin (centre left), President of the Swiss Confederation, and Arthur Fontaine (centre right), Chairman of the Governing Body.

5. The ILO has adopted several conventions on the subject of minimum age for employment. The problem of child labour persists, however, in many parts of the world.

6. George Meany (left), President of the AFL-CIO, the United States central labour body, with David Morse, ILO Director-General. Mr. Meany instigated the temporary withdrawal of the United States from the ILO in 1977.

7. **Canadian Chairmen of the ILO Governing Body**
   - 7(a) Walter Riddell, 1935-1936.
   - 7(b) Arthur H. Brown, 1955-1956.
   - 7(c) George V. Haythorne, 1964-1965. Here he (left) opens the 1965 Conference. Beside him are David Morse, Director-General, and Pierre Waline, Employer Vice-Chairman.
   - 7(d) John Mainwaring, 1972-1973.
   - 7(e) Joe Morris, 1977-1978. Francis Blanchard, ILO Director-General is on his right.

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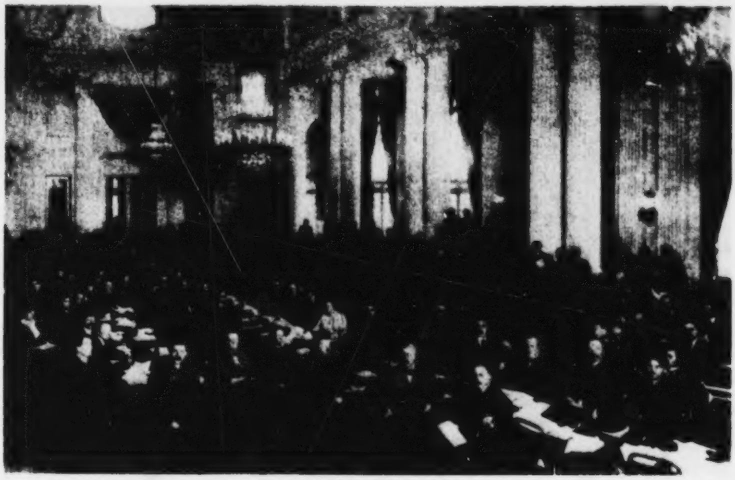

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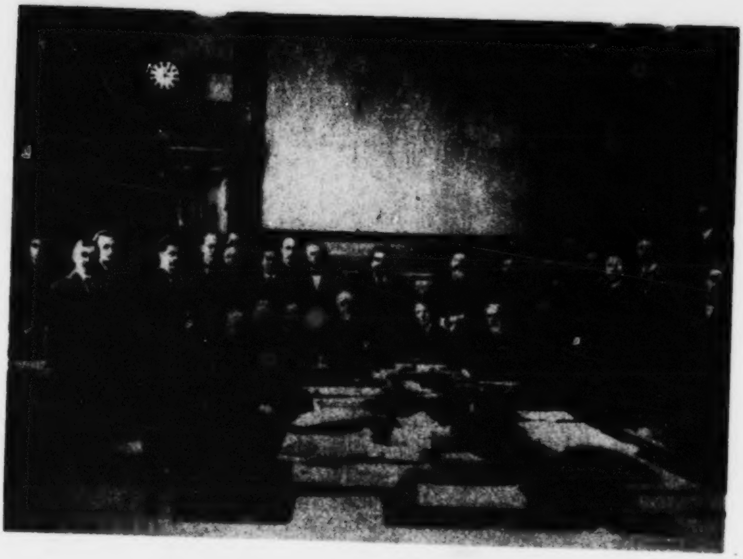

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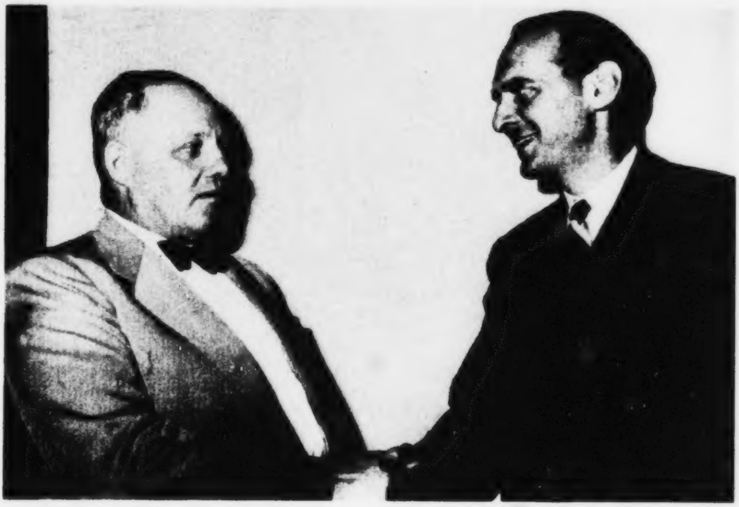

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13

8. **Directors General of the International Labour Office**

8(a) Albert Thomas.

8(b) Albert Thomas with his principal collaborators in 1926.

8(c) Harold Butler, who succeeded Albert Thomas.

8(d) John Winant brought the ILO to Canada in 1940.

8(e) Edward Phelan planned the ILO's post-war role.

8(f) David Morse with United States President Harry S. Truman, whose "Point Four" program led to the United Nations Development Program of aid to developing countries.

8(g) Wilfred Jenks, an ILO official for 42 years, and associated with ILO human rights activities.

8(h) Francis Blanchard became Director-General in 1974.

9. 9(a) When the ILO moved to wartime headquarters in Canada in 1940, it occupied the Presbyterian College on the McGill University campus.

9(b) After its return to Geneva, the ILO presented a bronze tablet expressing its gratitude to the university. Maxwell Cohen (left), Dean of Arts, displays the tablet on the occasion of an American Regional ILO Conference held in Canada in 1966. With him are John R. Nicholson (centre), Minister of Labour of Canada, and Wilfred Jenks of the ILO.

10. **Canadian delegation to the ILO Conference, Geneva, 1956**

10(a) From left to right, first row, Allan Campbell, employer delegate, Edith Lorentsen, Director of Legislative Research, Paul Goulet, Director of the ILO Branch of the Department of Labour of Canada, Arthur Brown, federal Deputy Minister of Labour, Viola Miller, delegation secretary, and Claude Jodoin, worker delegate.

10(b) Edith Lorentsen, Director of Legislative Research in the Department of Labour of Canada, developed the procedures for federal-provincial consultation that preceded Canada's ratification of ILO Convention 111 on Discrimination in Employment.

11. Elizabeth Johnstone. A Canadian, Head of the ILO Division for Women and Young Workers, she piloted Convention 100 on Equal Remuneration for Men and Women Workers through its various stages and was present when Canada's ratification was transmitted to the ILO in 1972.

12. Allan Campbell and Claude Jodoin join George Haythorne (centre) in presenting Canadian experience in a discussion on labour-management relations organized by the ILO at the fortieth session of the Conference in 1957.

13. John Mainwaring (centre left), Canadian government representative on the ILO Governing Body, accompanied by Joe Morris (left) and Keith Richan (right), Canadian worker and employer representatives, transmits the instrument of ratification by Canada of ILO Convention 100, Equal Remuneration for Men and Women Workers for Work of Equal Value, to Wilfred Jenks (centre right), ILO Director-General, November 1972.

11
In Search of Salience

Whatever disappointments the ILO may have experienced during the 1920s and 1930s, the Organization proved to have survival quality. It drew support for various reasons.

Some people saw the ILO as having a value to the world beyond whatever it might be able to do to improve conditions of labour. They saw the ILO standards system as contributing to the rule of international law. And they saw the decisions of the ILO Conference, the acceptance by states of the obligation to implement international standards, the scrutiny of national reports by the ILO Office and the Committee of Experts, and the gradual acquisition of authority and power by the Office, as contributing towards the goal of world government.

Scholars have given this concept the name of functionalism. The name is flat and undescriptive, but it applies to a doctrine which has motivated many supporters and officials of the ILO and of other international agencies by justifying their efforts to build up their organizations' authority.

The functionalist idea that international agencies could lead the way towards world government by acquiring more power has been challenged in a book by Robert Cox and Harold Jacobson, titled *The Anatomy of Influence*. Cox and Jacobson studied the performance of several international agencies, most of which were created following the Second World War. They found that some agencies had acquired a good deal more autonomy and power to make decisions than others, thus apparently moving towards the fulfillment of the functionalist goal. However they also found that these were the agencies whose decisions had the lowest importance, or "salience" as they called it, for member governments. Those agencies whose decisions had important immediate consequences for member countries were controlled and monitored closely by governments. Included in this second category were the International Monetary

Fund (IMF) and the General Agreement on Tariffs and Trade (GATT), whose decisions were carefully negotiated and, once made, were accepted by governments and transmitted into significant action.

Cox and Jacobson included among the agencies whose decisions had less important immediate consequences for governments the World Health Organization, UNESCO and the ILO. Within these organizations the secretariats were found to possess a good deal of power, not only in administering programs but also in influencing the decisions taken by their policy-making boards and assemblies. This power was exercised mainly in providing services for their members, chiefly in the form of technical assistance, rather than in rules to guide or govern their conduct. Such rules as they did produce (for example the conventions of the ILO) did not carry the same weight for governments as did those negotiated in the IMF or GATT.

Functionalism argued that greater autonomy for international organizations was "a good thing" since it would eventually lead towards world government, built on autonomous international centres of power. The conclusion that the organizations which had acquired greater autonomy were those whose work had less salience for member states was disconcerting. Cox and Jacobson suggested that in fact the apparent autonomy of certain agencies was illusory, since it was tolerated by governments only to the point where the activities of the agencies did not seriously affect them.

On the other hand the people who made the more salient organizations work "have never entertained any thoughts of building world government; but they have had the more immediate and practical goals of maximizing international co-operation without seeking to supplant the state system".

Cox and Jacobson suggested that in assessing the value of particular international organizations, the proper criterion was how far they involved the effective policy-making processes of governments rather than how independent of states they had become.

The concepts of functionalism and salience provide insights into the ILO's standard-setting system. The functionalist approach would link this system with the goal of world government. And indeed the system does imply a degree of supra-national authority for the ILO. Its full realization would involve the adoption of conventions on all aspects of labour policy and the ratification of all conventions by all member states. The Conference would be the wise sovereign assembly, its decisions carrying enormous weight, and the Office would be its wise and influential adviser. Between sessions of the Conference, the Office would occupy the centre of a network, receiving reports from member countries on the entire bodies of their labour law, assessing their quality and, through the Committee of Experts, doling out praise for good reports and rebukes for poor ones.

This was the functionalist dream — or nightmare, depending on the point of view. But during its first 20 years the ability of the ILO to influence governments seems to have gradually diminished. The decline began when the Labour Commission at Paris decided not to give the ILO Conference supra-national authority. The failure of the great powers to ratify Convention No. 1 reduced the moral authority of the ILO and salience declined still further. Another factor in the decline was the proliferation of conventions, which inevitably reduced interest in each. Governments (and the public) could respond to a few essential subjects: the eight-hour day, minimum age, night work, minimum wages. But when several conventions had to be adopted on each subject to cover different branches of industry, the concept dwindled in its appeal. The eight-hour day as a general objective could be front-page news. Minimum age for trimmers and stokers, night work in bakeries, and reduction of hours of work in glass bottle works, would be lucky to draw a paragraph on page 17, however real the problems might be for the groups of workers to which these conventions applied.

As the agenda of the Conference became less salient, the rank of delegates attending became lower. Cabinet ministers might put in an appearance, but were not likely to deem it necessary to head their delegations for the full duration of the meeting. Meetings seemed too long and too frequent, and travel, for those from outside Europe, was too arduous. The people who did head delegations and stayed full-time were no longer the decision makers, the people who had the power, when they went home, to say: "This we will do."

The Conference fell short of being a wise sovereign assembly. Similar considerations may have affected the employer and labour delegates. But, particularly for labour representatives, this was "their" organization. It provided a meeting place for national labour leaders, a forum where they could express their opinions, and a world parliament where they could exercise voting strength. As Cox and Jacobson saw it, an international organization has salience for governments if they consider its tasks to be highly important in terms of their own interests. The organization should have the ability to deal with important questions and to involve important people.

Mackenzie King, who had an instinct for appraising importance in people, saw little to interest him in the ILO in 1919. He was sceptical that the Organization could accomplish much. Later, his contributions to the debates in the House of Commons over the Bennett ratifications suggest that he had not kept himself informed about ILO activities and procedures. He behaved cordially to successive ILO directors when they came to Ottawa, and he sent gracious messages to ILO meetings held in Canada. But by and large the ILO concept had little salience for him.

For R.B. Bennett the ILO acquired salience in the mid-thirties when he saw in its convention system a means of acquiring jurisdiction to enact national labour legislation.

For European governments the ILO seems to have declined in salience during the 1930s when its conventions on social insurance and hours of work, and its promotion of public works, drew little support.

For Franklin Roosevelt the ILO had salience, as he showed in 1919 when he helped the arrangements for the first conference, in 1934 when he brought the United States into membership, and again in 1941 and 1944 when he brought delegates from the ILO conferences in New York and Philadelphia to the White House in Washington to greet them personally. He also spoke glowingly about the mandate he wanted the ILO to fulfill.

For many influential people the idea of the ILO during the war years was as an organization that symbolized post-war objectives. Whether it had achieved a high degree of success with its standards or not, an organization of this kind would be necessary in the post-war world. ILO officials wanted to make sure that the future organization would be the ILO itself and not a substitute.

Going somewhat beyond the Cox-Jacobson analysis, one may determine two broad types of motivation which help to explain the behaviour of some of the leading figures in the ILO, both in the Office and in the representative bodies. At one end of the spectrum is the desire to advance and strengthen the ILO as such; at the other, the desire to achieve the ILO objectives of improving the conditions of workers and strengthening their rights.

Few individuals could be placed at one extreme end of the spectrum or the other. But we might describe as organization people those whose concern is predominantly with the ILO as such, who want more power and prestige for the Organization. This category would include the functionalists, looking towards supra-national objectives; but it would also include others, those who like power for its own sake and those who believe that power is the way to more effective performance.

In the other half of the spectrum are those we might call activists, those who are primarily concerned with the objectives for which the ILO stands, and are concerned with the Organization only insofar as it contributes to the objectives. Such people tend to be more interested in collaborating with governments, employers and workers in pursuit of common goals than in seeking ascendancy over them.

In seeking to understand the ILO story it is worth keeping in mind these two types of motivation, always remembering that neither of them is likely to be found in pure form in any one individual. Individuals may find their place closer to one end of the spectrum than the other; and indeed over time they may move along the spectrum, in either direction.

Organization people love the ceremonial aspects of the ILO, the formalities that go with opening a meeting, electing officers, welcoming an eminent visitor, the closing speeches dwelling on what has been accomplished, the mutual congratulations. The sincere statement gives way to the insincere; one finds a tacit conspiracy of what may be called humbug, to avoid using a cruder expression.

The activist is impatient with this. He is concerned above all with getting on with the job. The organization is useful only as a vehicle; in the case of the ILO, a vehicle for promoting higher employment, providing training, improving working conditions and strengthening human rights. He will seek to strengthen the Organization for these purposes but he will try to avoid ceremony and humbug.

For the activist the ILO convention system is of interest only if he can see it producing practical results. Whereas the organization person takes pride in the number of conventions adopted and the volume of ratifications, the activist is sceptical of the numbers game. He is concerned with individual conventions and whether they offer a genuine means toward progress.

As we follow the ILO into the Second World War and the years thereafter, we shall see the functionalists, the organization people, trying to acquire more power for the ILO in economic policy as well as through the standards system. And we shall see the activists and the developmentalists pursuing technical assistance activities, helping governments directly, and supporting the aid projects with research and analysis.

We shall see the ILO acquire greater salience with its human rights conventions and complaint procedures. And we shall consider the ILO's prospects for moving towards greater salience in the future.

12

The ILO in Montréal

During the late 1930s, when war seemed to be coming closer, the Governing Body of the ILO made contingency plans. It agreed that the ILO should try to carry on its work if war should come, and it set up a small Emergency Committee empowered to make essential decisions if circumstances prevented the Governing Body itself from meeting.

War broke out in September 1939, but for a while there were no full-scale hostilities. This was the period of the so-called "phony war". The Governing Body was able to meet in February 1940 and even to make plans for a further meeting in June, to be followed by a session of the Conference.

As late as May 1, Alfred Rive, Canadian chargé d'affaires in Geneva, wrote to the Labour Department in Ottawa asking in the normal way for instructions concerning certain technical items on the Governing Body agenda. The Labour Department actually sent a letter back on June 6, regretting that the request had arrived too late for instructions to be sent. By then of course instructions would have been totally irrelevant, but the response reflected in a small way the bewilderment that followed the sudden onslaught of Nazi forces into the Low Countries and France, beginning May 10, and its devastating success, culminating in the British evacuation of Dunkirk at the end of May and the French request for armistice in late June.

The Governing Body meeting was of course cancelled. The ILO Office found itself isolated in Switzerland. Under the terms of the armistice the Germans did not occupy the southern part of France, so the border with Switzerland was still passable. But this could change suddenly, and Switzerland was otherwise surrounded by the Axis powers.

The Director of the ILO at this point was an American, John Winant, who had succeeded Harold Butler in 1938. Winant had been a Republican governor of the state of New Hampshire, but had become a member of Roosevelt's "New Deal" administration and a supporter of the Allied cause against the dictatorships. After the fall of France, Winant realized that the ILO could do no useful work in Switzerland where it lacked assurance of communication with the democratic world. He decided to try to move the ILO out of Geneva. His constitutional authority to do so was uncertain, and a meeting of the Emergency Committee, which might have provided the action with legitimacy, seemed impossible.

Winant hoped to move to the United States. There are various accounts of the events which brought the ILO to Montréal instead. Winant made a quick trip to London early in June where he consulted with Ernest Bevin, the Minister of Labour, and with British officials. He also talked with Hume Wrong who had been transferred from Geneva to London but was still the official Canadian representative on the ILO Governing Body. Wrong had been instrumental in Winant's election as ILO Director in 1938, and the two men were on good terms. (The other candidate had been Edward Phelan, who had received as a consolation prize the post of Deputy Director.)

On his return to Geneva, Winant sent or arranged for various messages to Washington asking the U.S. Government to accept the ILO. In a personal appeal to Cordell Hull, the Secretary of State, he said in part:

> The International Labour Organization is an agency of democracy . . . . I ask for your help and that of the United States in continuing the Organization and conserving the specialized personnel who have been devotedly loyal to the principles and practices of democracy and who are authorities in national and international social legislation and procedures . . . . You will realize that practical continuance here is impossible. There is real work to do and an increasing obligation to do it. I believe it can best be accomplished in North America. I would appreciate your discussing this message with the President, as I accepted office here under your joint approval.

Frances Perkins, the Secretary of Labor, says in her book *The Roosevelt I Knew* that Winant cabled her and that she talked with the President. She says Roosevelt feared that the U.S. Congress would not accept the idea and suggested that the ILO move to Canada instead. She claims that she then arranged with McGill University in Montréal to accept the ILO for the duration of the war. I have found no corroboration for this version of events.

The idea of Canada as a destination for the Office was certainly in the air at this time. William Green, who had succeeded Samuel Gompers as President of the American Federation of Labor, suggested it in a letter to Cordell Hull.[1]

Cordell Hull cabled Winant on July 1 with a sympathetic but firm refusal to admit the ILO to the United States. He said that he had discussed the matter with the President, and that "we feel that the Office is part of an Organization which . . . must have an independent and autonomous status which could not be assured to it here without a thorough understanding of the situation by Congress . . . ." Hull made no mention of Canada as a possible alternative.

Winant now decided to go again to London to seek advice as to the next step, and to proceed from there to Washington. He had meanwhile worked out a plan for evacuation of the ILO staff, some of whom would move wherever the Office moved, the others to be put on leave or suspended. He left Edward Phelan, the Deputy Director, in charge. It appears that Phelan did not then favour the idea of moving from Geneva, and particularly the idea of moving the independent ILO to a belligerent country.

In London Winant met British authorities, who agreed that the ILO should move from Geneva. There also he met Wilfred Jenks, at this time the ILO legal adviser, who had been posted from Geneva to England. Jenks assured him that he did indeed have legal authority to transfer the ILO Office out of Geneva.

Winant again met Hume Wrong, who expressed the belief that the move should be to Canada. The British (and Jenks) strongly endorsed this possibility, and Wrong arranged to make preliminary inquiries as to the attitude of the Canadian Government.

A cable went from Vincent Massey, the Canadian High Commissioner in London, to Ottawa, dated July 15, 1940, conveying Winant's urgent inquiry whether the Canadian Government would invite the ILO to come to Canada for the duration of the war. The cable said in part:

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[1] In supporting the ILO and its work, Green also made the remarkable assertion: "I am sure I can rightfully claim that the American Federation of Labor was, in a large measure, responsible for the creation of the International Labor Organization". This myth still resurfaces from time to time.

> Director states that continuance of office in Geneva has become impossible and that movement abroad of staff is necessary. Geneva is now too isolated for any effective work to be done there. He also fears pressure on Swiss Government from Germany for surrender of certain officials on German Black List.
>
> Number involved in move would be not more than 50, all certified by the Director to be absolutely trustworthy. League funds are available in New York for payment of expenses and there would be no charge whatever on the Canadian Government. Director would like to establish office in some eastern Canadian city with good library facilities. He possesses authority from Governing Body to move Office on his own initiative.
>
> United States Government were first approached but Secretary of State apparently takes the view that extension of official invitation at the present moment would start a hare for isolationists which might prejudice handling of vital issues. There is therefore no chance of early invitation from the United States, and Canada is by far the most suitable safe destination.
>
> Winant emphasizes that departure as soon as possible may be matter of life or death for some of his staff. He is flying to New York, leaving Lisbon July 16, and may go to Ottawa immediately on landing. He hopes to receive your reply on arrival.

Massey said in the cable that he had discussed the situation with Winant and with the British Foreign Office. He added: "I strongly support extension of official invitation to come to Canada. Wrong, as Canadian representative on Governing Body, shares this view."

Ten days later Winant was in Ottawa. The Prime Minister, Mackenzie King, by now assured of support from Britain and the United States, quickly gave his approval to the ILO move to Canada. Winant called on him at Laurier House, and King reported in his diary for July 25: "We had an exceedingly pleasant talk together. I like him immensely. It has been arranged to have the Labour Office located in Montréal."

Winant chose Montréal as an alternative to Toronto or Kingston, both of which possessed university library facilities, apparently because his friend from college days, Dr. Wilder Penfield, was head of the

Neurological Institute at McGill. Penfield paved the way with Cyril James, the McGill Principal, and quarters were found on the campus for the small contingent of international civil servants. For the time being, until the ILO staff could get out of Geneva, the whole matter was kept secret. Winant reached Phelan by telephone in Geneva, and using code words which had been agreed before his departure, instructed him to proceed at once with some 40 members of the ILO staff to Montréal and disperse the remainder according to the pre-arranged plan. He stressed the need for the swiftest possible action.

Phelan has described in his memoirs the rush to get the staff off to Portugal somehow, with all the difficulties of obtaining visas and transport, and coping with suspicious border officials. He himself stayed in Geneva till the last moment. He remained doubtful of the legality of the move, and hoped to arrange a meeting of the League of Nations Supervisory Commission to establish the ILO's financial situation. His delay made Winant impatient. Phelan felt that Winant "did not appreciate the fundamental issue involved, namely that in the absence of a legal right to collect its contributions, the ILO would have to live on alms from charitable governments and would lose both its independence and its status, the very things that the move to Canada was intended to preserve".

The contrast between the two men was remarkable. Winant, the activist, was concerned about getting his ILO people safely out of Geneva and into a place where they could do useful wartime work. Phelan, the organization man, was concerned with the ILO's independence and status.

Phelan was fortunate to get across the Spanish border. He tells how he followed a hunch and chose a secondary road out of France, running inland and through the hills. The frontier post he reached had not yet received the instructions sent from Madrid two days earlier, on request from Berlin, to prevent any officials from the League of Nations or the ILO from crossing into Spain. Officials of the League who chose the main road were stopped and turned back.

Once in Lisbon Phelan waited there until he could secure a meeting of the League's Supervisory Commission. Barely a quorum arrived, but they devoted three days to a meticulous scrutiny of every item in the budget proposals for the League and for the ILO. The ILO proposals were then sent by cable to members of the Governing Body, most of whom cabled their acceptance. Phelan had accomplished his self-imposed task.

As soon as Winant was assured that his staff were safely on their way to North America he decided to inform member governments of the temporary transfer of ILO operations to Montréal. As a courtesy, his proposed telegram was shown to Mackenzie King. It contained the following sentence:

> In this situation the Canadian Government generously offered hospitality to the personnel necessary for indispensable services.

But this was too much for King, who had accepted the ILO but did not feel it should appear that the Canadian Government had made an unsolicited invitation. The sentence was therefore changed to read:

> In this situation the Canadian Government indicated their willingness that the I.L.O. should be temporarily transferred to Canada with personnel necessary to maintain indispensable services.

In spite of King's modest wording, references to the "generosity" and "hospitality" of the Canadian Government have ever since been embodied in descriptions of the ILO move to Canada.

Edward Phelan, the organization man, stressed another reason for gratitude: that the Canadian Government was prepared to take all the measures necessary to ensure that the Office was given its full status and independence as an international institution. He wrote in 1941:

> The officials of the Departments of External Affairs and of Labour who have assisted in the solution of the innumerable detailed problems which arise in this connection have rendered a notable service to the Organization and, through it, to the world community. The Office thus enjoys in Canada the same independence from the control of any one country which is ensured to it in Switzerland by the terms of the Modus Vivendi with the Swiss Government.

Again we see Phelan concerned with the ILO as an institution more than as a working force. Winant's concern with the work the ILO could do is shown in a cable he sent to member governments on November 16, 1940, informing them that the Office was back in business after the interruption caused by its transfer to Montréal. I do not wish to imply that Phelan did not share Winant's concern that the ILO should do useful work. For all I know he may have drafted the cable for Winant's approval. The difference was one of emphasis, but it was profound.

Winant noted that the Office still maintained a network of correspondents in different countries. It was equipped and ready to render technical advice and assistance, either in response to inquiries or by lending its experts to member states on such problems as social insurance, safety, employment, labour legislation and inspection, industrial relations, and co-operatives. He listed the ILO publications, including the *International Labour Review*. "Am certain," he concluded, "International Labour Office can give increasing service and am confident that I can rely upon continuation your support."

It was a brave claim. But whether or not the ILO Office would be able to accomplish very much in exile, and whether or not it preserved its status and its autonomy, the ILO Organization stood for something precious. What that something was is not easy to define. The term "social justice" is abstract; it represents an aspiration rather than a generally agreed set of activities. But underneath the term there lies a reality of human good will, and a reality also of specific actions, reflected in laws, regulations, agreements and policies, intended to improve the conditions and strengthen the rights of working men and women. The symbolic value of the ILO's move from neutral territory to Canada was that the international organization, recognized as having a mandate to work for social justice, had enrolled itself on the side of the Allies.

The little band of exiles was immediately at work publishing the monthly *International Labour Review* with its scholarly studies and articles on social policy and industrial relations, and indeed providing technical assistance to Latin American countries. The ILO also organized a series of tripartite expert meetings on problems of manpower organization, for the benefit of Canada and the United States. And it became a focal point for the formulation of social objectives in the postwar world.

John Gilbert Winant waited only long enough to see the ILO securely established in Montréal before he resigned to become United States ambassador in London. Phelan has conjectured that Winant wanted to be in the danger zone, to make whatever immediate contribution he could to the cause of freedom. The values for which the ILO stood related mainly to the postwar world. Winant was committed to the immediate struggle; and he saw his mission in London as a means of influencing policy in the still neutral United States.

Phelan now took over responsibility for the International Labour Office, as Acting Director. His first concern was to maintain the Organization as a force in the postwar world. The international civil servants who constituted the ILO Office were now hard at work, but the ILO Organization, which they represented, was dormant. For him it seemed vital to convene representative meetings where the ILO's tripartite community could again be heard. This meant sessions of the Governing Body and of the Conference.

Winant had said in his letter of resignation that if the war were lost that would be the end of the ILO. For him the war was the first concern. But Phelan believed it would be possible for the ILO constituency to take time out from the war effort to assemble in meetings under the ILO banner. The purpose, as he put it, was to give the Office guidance on the contribution it might make to war and postwar policies. His memoirs describe his persistent efforts to gain support for this idea in Ottawa, Washington, and London.

He describes the friendly, informal way that MacKenzie King received him in the House of Commons in Ottawa, taking him home to dinner, chatting with him until late, and then driving him back to his hotel. King told him he could hold an International Labour Conference in Canada if he wished but advised him to try to arrange it for the United States. Eventually it was decided that it should be held in New York, in October 1941, as a special session which would not attempt the usual business of adopting conventions but would focus instead on issues of ILO policy.

Preparing for this Conference was of supreme importance to Phelan, and he admits that he begrudged the demands made on his time by the task of supervising the work of the Office in Montréal. In particular he devoted himself to his report as Acting Director, for this would set the framework for Conference decisions.

The Conference brought together no less than 200 persons from 35 countries. The delegates included ministers and others from the Allied countries, from governments in exile, and from neutral countries; also a good number of employer and worker representatives.

Many of the Conference decisions were symbolic. One resolution endorsed the Atlantic Charter; another supported the struggle of the free nations, thus abandoning any idea that may have lingered of the ILO as a neutral international agency.

What pleased Phelan above all was a resolution urging on member governments "that the ILO should be represented in any peace or reconstruction conference following the war" and that the ILO should help in "the rebuilding of a peaceful world upon the basis of improved labour standards, economic advancement and social security''. The ILO, he later wrote, had thereby staked out its claim for an important role in the postwar world.

For its final session the Conference moved to Washington, where President Roosevelt welcomed delegates to the White House, and made a speech in which he endorsed the idea that the ILO should have ''an essential part to play in building up a stable international system of social justice for all peoples everywhere''.

Words, marvelous words. Phelan confesses the ''warm glow of satisfaction'' he felt as he listened to them. Buoyed up by hopes for an important future, Phelan continued his planning in Montréal. His principal assistant was now Wilfred Jenks. The target was the promotion of social justice in the postwar world; the means was to be the ILO. The two men reasoned that, with its tripartite structure, the ILO was likely to produce more positive policies and programs than could purely intergovernmental agencies. Accordingly it was logical to try to secure a pre-eminent role for the ILO in whatever machinery might emerge for the postwar period. It was necessary that policies for trade and financial questions should be aimed first and foremost at full employment and other social objectives. To achieve this, it was necessary that the ILO should not only have a voice, but should actually preside over international economic and social policy.

The Governing Body met in London in December 1943. One idea that emerged at this meeting came from Ernest Bevin, the British Minister of Labour, who proposed that the ILO should convene meetings which would bring together employers and workers from particular industries. This proposal led to the formation after the war of the tripartite industrial committees which were to assume a prominent place in the ILO program of meetings.

But the main business of the Governing Body was to approve plans for a full-fledged ILO Conference. By this time the tide of war seemed to have turned definitely in favour of the Allies. It was appropriate then for an international conference to discuss specific plans for social policy in the immediate postwar period. The Governing Body agreed that the Conference should be held in Philadelphia the following spring. Its agenda included items on social security, employment policy and the re-establishment in civilian life of members of the armed services, and it adopted recommendations setting international standards on each of these questions.

But the agenda also called for discussion of the future of the ILO itself. As Phelan and Jenks planned it, governments attending the Philadelphia Conference, along with workers and employers, would decide firmly on the future scope of the ILO and its authority among other international bodies.

They considered the form in which these decisions might be embodied. A convention might have been suitable, but its adoption would have had to be followed by the slow process of ratification by member states. This would take too much time. They decided instead on a declaration, which would not call for ratification but would nevertheless serve the purpose of expressing the will of the Conference in appropriately solemn form.

For the declaration to acquire sufficient stature it was crucial that the Conference itself should be regarded as authoritative. Government delegates, in particular, would have to be seen as fully representing in their votes the wills of their governments.

The declaration was in fact adopted very nearly as Phelan and Jenks wanted it. In essence, it does two things. It sets out aspirations for labour, and it asserts the duty of the ILO to promote those aspirations. Other international bodies may indeed be entrusted with "a share" of the responsibility for international economic and social policy, and the ILO pledges its full co-operation with them. But the ILO has the responsibility to consider all such policies in the light of its fundamental objectives.

The declaration stands up well today, after more than four decades. However, the first proposition in its statement of "fundamental principles" is one that causes trouble to economists. This is the bald statement, "Labour is not a commodity", which is more an article of faith than an expression of economic truth. Alternative ways of putting it — such as "Labour is more than a commodity" — might be more precise, but alas they do not carry the same vigour. The first principle on which the ILO is based has to be taken as true in human rather than in economic terms. The declaration continues:

> Freedom of expression and of association are essential to sustained progress;
>
> Poverty anywhere constitutes a danger to prosperity everywhere;
>
> The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort

> in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decisions with a view to the promotion of the common welfare.

And later:

> All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, or economic security and equal opportunity;
>
> The attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy.

Following this paragraph come the three paragraphs which assert the ILO's authority:

> All national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
>
> It is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
>
> In discharging the tasks entrusted to it the International Labour Organization, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

The declaration then restates the familiar areas of the ILO's specific responsibility, such as employment policy, remuneration, and safety and health.

In effect, the declaration says that the ILO must promote good social and economic policies itself and must examine and consider what other agencies do.

I was present at the Philadelphia Conference. It was my first ILO Conference, as a new civil servant, acting as a junior and rather ignorant member of the Canadian delegation. I remember Alfred Rive, as an External Affairs officer, pacing the floor in our delegation office, a copy of the draft declaration in his hands, muttering: "This is a very important statement. Comparable in its way to the Declaration of Rights in the U.S. Constitution. Why can't they make the language more simple, more inspiring?" He sat down, began scribbling, then crumpled his paper in despair.

It is worth noting that before the Philadelphia Conference the Office documents and proposals were assigned for scrutiny in Ottawa to various individuals or groups to develop instructions for the Canadian delegation. As part of this process the draft declaration and explanatory report went to Lester B. Pearson, then Minister in the Canadian embassy in Washington, but later to become Prime Minister and to win the Nobel Peace Prize. Pearson replied in part:

> It seems clear that the ILO is attempting to establish for itself a very important place in the postwar international set-up. This is, of course, perfectly understandable, and no one can take exception to it if the ILO is the most competent body to fill the place proposed. That, I think, is a debatable point. . . .

He noted that the ILO had made proposals for co-operation with other agencies.

> Nevertheless, it seemed to me as I read the report that the emphasis was placed not so much on co-operation as on the desirability of the ILO playing a predominant part in international economic and social questions. In other words, the ILO, instead of accepting a place as one functional organization among a group of such organizations under the possible supervision and control of some world economic council, almost claims for itself the right to be considered as that council. I am not sure whether governments or other United Nations organizations will accept that claim.

President Roosevelt took a less critical attitude towards the ILO, judging at least by a message he sent to Philadelphia through his Secretary of Labor, Frances Perkins. This message contained words even more splendid to ILO ears than those he had addressed to the New York conference:

> I see in the ILO a permanent instrument of representative character for the formulation of international policy on matters directly affecting the welfare of labour and for international collaboration in this field.

> I see it as a body with the requisite authority to formulate and secure the adoption of those basic minimum standards that shall apply throughout the world to the conditions of employment.
>
> I see in the ILO an organization which shall serve the world for investigation and research, for discussion and debate. But more than that, it must be the agency for decision and for action on those economic and social matters related to the welfare of working people which are practical for industry and designed to enhance the opportunities for a good life for people the world over.

These words, taken literally, might have offered the ILO the influence on economic policy to which Phelan and Jenks aspired. But as to the role the ILO was in fact to play, Pearson proved to be the more accurate prophet.

As things worked out, although the Philadelphia Conference adopted the declaration with only minor amendments, governments later gave to the Economic and Social Council of the United Nations the co-ordinating role that Phelan and Jenks had coveted.

And in due course they set up specialized bodies to deal with international trade, and financial and monetary policies, including GATT, the World Bank, the International Monetary Fund and the United Nations Conference on Trade and Development (UNCTAD). These bodies were to deal with a different set of government representatives than those who attended ILO meetings, and to develop policies with very little attention to ILO concerns.

It seems hardly conceivable that Phelan and Jenks could have succeeded in their struggle to give the ILO a predominant influence over economic policy. Whether their success would have made much difference in the world's economic policies is an intriguing question. The International Labour Office would presumably have come up with ideas weighted more heavily on the side of social policy than the secretariats of purely intergovernmental bodies. But the ILO Office is one thing, the ILO Organization is another. It is hard to envisage governments allowing themselves to be diverted from their own views on economic matters.

The ILO has continued, since 1944, to have its word on economic policy, and to maintain its stand concerning the primacy of social values. This has given moral support to national government departments concerned with social policy, but it has seldom reached the point where governments have felt it necessary to send the more hard-nosed of their economists as delegates to ILO meetings. Plenty of lip service has been given to ILO views, but during the postwar years the ILO has so far been more influential in fields of activity other than that of economic policy.

Under the arrangements made for the ILO relationship with the new United Nations, the ILO received more autonomy than it had enjoyed under the League of Nations, and in particular the right to adopt its own budget. Negotiations over this relationship were hampered by the unfriendly attitude of the Soviet Union towards the ILO. The Soviets had other ideas as to the nature of the agency to deal with labour questions in the UN system. Rather than the tripartite voice of the ILO, the Soviets would have preferred to hear the voice of an organization speaking solely for labour unions and enjoying the right to make its views felt within the Economic and Social Council.

The labour organization the Soviets had in mind was the World Federation of Trade Unions. The WFTU was formed in 1945 at a meeting in London in an attempt to bring Soviet and Western trade unions into alliance. Western labour leaders, however, refused to accept the WFTU as a substitute for the ILO. They realized the need for an international labour agency in which governments, and also employers, would play a part, and they favoured the continuance of the ILO. Nor were they impressed by the Soviet attempts to alter the tripartite balance of the ILO so as to reduce the voting power and role of private employers.

It was only gradually that the ILO moved from Montréal back to Geneva after the war. A meeting of the Governing Body was held in Québec City, just after V-E Day. A session of the Conference was held in Montréal in 1946, this time on the premises of the University of Montréal. The Conference met in Geneva in 1947, in San Francisco in 1948, and then back in Geneva in 1949, this time to stay.

Meanwhile, units of the Office moved to Geneva in stages. By the autumn of 1948 the transfer was complete. The ILO left a presence in Canada in the form of a small branch office located in Ottawa. The premises at McGill were vacated, and the ILO was even able to pay back to the university the money that had been spent putting the buildings into shape.

The ILO expressed gratitude to McGill for its wartime hospitality by presenting to the university a bronze plaque. This was unveiled in a ceremony outside the Arts Building in September 1950 by Milton F. Gregg, V.C., then the Minister of Labour.

So ended the wartime sojourn of the ILO in Canada. The ILO had used Montréal primarily as a base for relations outside of Canada. But it had made its impact within Canada as well and, in the years that followed, Canada involved itself with a new interest and vitality in ILO work.

13

Vintage Years

When David Morse succeeded Edward Phelan as Director-General of the ILO in 1948, a new era began for the ILO. Morse took over following military service and a period as assistant under-secretary in the U.S. Labor Department. He was young and vigorous and steeped in the ideas of Roosevelt's "New Deal". He had leadership qualities. The suffering he had seen in wartime Europe had instilled in him an urgent desire for practical results.

It was, in fact, time for a person with new ideas. Morse saw in the ILO an organization with a broad mandate to combat poverty but with too narrow a method of pursuing its goals. The ILO was dedicated to the setting of labour standards and the search for international labour legislation. This Morse found insufficient as a means of action. There was a great deal wrong with the world, but the world was not going to be saved by international labour legislation.

Poverty was the enemy. And this was especially true in the developing countries. You could not legislate poverty out of existence. You needed economic development, as a base on which higher living standards might be built. And this meant projects of direct aid to countries in need. But along with economic development you needed social justice to ensure that industrialization brought benefits to all classes. This was to be Morse's predominant theme in shaping the ILO's new role.

Morse's desire to undertake operational projects found a means of outlet within months of his appointment. In January 1949, the U.S. President, Harry S. Truman, announced his intention to provide large-scale technical assistance to poor countries to promote their economic development. The program became known as Truman's "Point Four" program, because it happened to be the fourth in a series of initiatives he was proposing to Congress. It was to be administered through the United Nations system, including the various specialized agencies, and would be financed by voluntary contributions from the wealthier countries.

Truman's initiative was widely welcomed. It gave rise, by stages, to the United Nations Development Program (UNDP), which today is the UN's central body for allocating funds to its agencies for aid projects. It gave Morse the immediate opportunity he needed.

At first thought an agency like the ILO, occupied almost exclusively with legislative activity and paper work, would seem to find little or no place in such a program. But Morse saw the crucial importance to economic development of human resources, and he saw this as an area of ILO responsibility. He urged this view on United States and United Nations leaders, and he argued successfully that the ILO should be given responsibility for training skilled workers and managers. The ILO had certainly had an interest in these fields, the Conference having developed international standards on training and related questions. But it took boldness for Morse to seek to turn these paper standards into operational projects, and beyond this to train people in labour administration and programs to promote social justice.

Morse found members of the Governing Body, including its officers, cautious about moving the ILO into operational projects. The workers group in particular feared that the ILO's standard-setting activities would be weakened. Morse pointed out that development was a precondition if standards were to be implemented in the poorer countries. It was also persuasive that most of the funds for the projects came to the ILO from the United Nations, rather than from the ILO's regular budget, which could continue to finance the ILO's traditional activities.

To carry out the new work meant changes in the ILO Office. Some of the traditional ILO staff had had experience with field missions providing advice, but few had the aptitude or the wish to administer field projects on a larger scale. By and large, Morse left the traditional staff to carry on with standards. He recruited full-time administrators to manage the new programs.

Year by year the funds available for field projects from the UN increased, and the ILO staff increased accordingly, not only for administrative purposes but to provide planning, research and evaluation. The work was handled by the ILO Office rather than by the ILO Organization. There were growing pains, but Morse did not weep on the shoulders of members of the Governing Body or delegates to the Conference. The Office gathered experience, learned from it, and improved its methods with a minimum of guidance or direction from delegates.

The ILO representative bodies seemed content to leave it that way. Since most of the funds for operational work came from the United Nations rather than from the ILO's budget, the Governing Body and Conference exercised little control over the Office's spending on field projects. Every few years the Conference would hold a general discussion on ILO technical co-operation. Individual delegates would also express views in the annual debate on the Director-General's report. The Governing Body set up a standing committee on operational programs but it met for only a couple of days once or twice a year. The Office provided detailed information on its work; individual members of the committee made comments and suggestions; but the committee as a whole did not seek to select or pass judgment on individual projects.

By 1958, when Morse had held office for a decade, the ILO Office was receiving half as much in funds from the UNDP as it was from its regular budget. On the other hand the Governing Body and the Conference were paying ten times as much attention to ILO standards and related activities as they were to the Office's technical co-operation work.

It may be wondered whether, after so many years of standard setting, the ILO might have run out of subjects for Conference action. This did not happen. In fact at this point a significant change occurred in the subject matter of ILO standards, which was to inspire the system with a new vitality. Hitherto the standards had dealt mainly with the *conditions* of workers and the abuses the ILO had been set up to deal with: unsafe working conditions, long hours, exploitation of women and children. The Conference now began to put emphasis on the *rights* of workers in their pursuit of better conditions. Over the next decade came an endeavour to embody these rights in conventions, and thereby make them subject to ILO monitoring procedures.

The first step was taken by the San Francisco Conference of 1948, a few weeks before David Morse took office. The Conference adopted Convention 87, which set out the right of workers to establish and join organizations of their choice and the obligation of governments to protect this right. For good measure the convention set out an identical right for employers.

The following year came Convention 98 which provided for protection of workers against acts of anti-union discrimination and protection of the right to bargain collectively.

These two conventions are generally recognized today as the most important of all the instruments the ILO has adopted. The safeguarding of such rights, however, presents great difficulties. The ILO's normal monitoring procedures, based on the examination of periodic reports from governments, cope reasonably well with standards concerning working conditions. Once established by law, such standards are not likely to be abandoned.

But the normal monitoring procedures are quite insufficient to deal with sudden violations of rights, such as imprisonment of trade union leaders. After a few years the ILO developed special procedures, as we shall see, to deal with violations which call for a quick response.

Three other human rights conventions quickly followed. Convention 100 was a pioneer attempt to apply the principle, which had been inserted in the original ILO Constitution, of equal remuneration for work of equal value. The framing of this convention under the ILO's "double discussion" procedure in 1950 and 1951 caused difficulty. At that time legislation on equal pay was virtually unknown in ILO member countries. Few government delegates at the Conference would have been prepared to vote for a convention which called for a law on equal pay, which most considered would be impossible to administer. The convention was therefore framed, after much controversy, to require governments to "promote" the application of the principle to all workers, and also to seek to "ensure" it by appropriate methods. The means of applying equal pay might include laws, or other legally established machinery for wage determination, or collective agreements, or a combination of methods. The Conference also adopted a recommendation setting out procedures to encourage the application of the principle of equal pay.

The equal pay convention seemed to raise problems for the ILO's monitoring bodies. How could it be determined whether a government was actually meeting such a vague obligation as to "promote" equal pay? Nevertheless it became one of ILO's most influential conventions. What happened was that ratifying countries found the ILO experts commenting on their reports, raising questions, and engaging in a continuing dialogue with them concerning their methods of applying the principle of equal pay.

In 1957 the Conference adopted Convention 105 requiring the abolition of forced labour. And in 1958 came another promotional convention, this one seeking to outlaw discrimination in employment based on race, colour, sex, religion, political opinion, national extraction or social origin. The obligation on governments was to "declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in employment and occupation, with a view to eliminating any discrimination in respect thereof''.

Again, the wording was flexible. It had to be, since few governments had passed legislation or gained experience in methods of discouraging discrimination. But again the convention proved influential, resulting in useful dialogues between the ILO and governments over their policies.

Of comparable importance was Convention 122, adopted in 1964, on employment policy. Whether this convention in itself expresses a ''human'' right or an ''economic'' right is a moot point. The right of the individual to employment is set out in the United Nations Universal Declaration of Human Rights. The ILO convention establishes an obligation on the part of governments to pursue policies aiming at full employment, and thus to create conditions under which the individual worker will be able to exercise the right expressed in the UN Declaration.

This again is a flexibly worded convention. The problem of assessing compliance by governments which have ratified it has caused exceptional difficulty to ILO monitoring bodies. No government, no matter how high its rate of unemployment, is likely to accept a finding that it is not at least pursuing a policy aimed at ''full, productive and freely chosen employment''. Some western industrialized countries have rejected comments from the Committee of Experts bitterly. It remains to be seen whether suitable criteria for assessing governments' employment policies will emerge.

The human rights conventions achieved the success of being widely ratified by ILO member states. But the number of ratifications is only one measure of a convention's usefulness. A more important measure is the extent to which the provisions of the convention are actually applied within member countries. ILO monitoring procedures begin when governments send in their periodic reports on conventions they have ratified. From these reports the ILO's monitoring bodies can assess whether a country's law corresponds with a convention's requirements. With human rights conventions, however, the problem is more likely to be with the practice than the law. In the absence of some kind of international inspection service, a violation can only be brought to light if someone complains about it.

During the 1950s the ILO Governing Body developed a procedure for handling complaints of violations of trade union rights. The procedure relates to the principles of Convention 87 on freedom of association and Convention 98 on the right to organize and bargain collectively. But it goes beyond the specific terms of these conventions. Complaints range from the extremes of imprisonment, torture, execution, or murder of trade unionists to the imposition of measures which restrict trade union activities without harm to the person.

The complaints go before a tripartite, nine-member standing committee, which presents its findings to the Governing Body. Where a government is found to be at fault, the ILO, while obviously it lacks the power (as one labour leader put it) to parachute in troops and rescue imprisoned trade unionists, does what it can to improve the situation.

Compliance with the findings has to be secured by voluntary means. This in turn depends on respect for the moral authority of the ILO. In fact there has been a high degree of procedural compliance. Failures to comply with recommendations have been by delay and evasion rather than direct refusal. Some countries, in moving from dictatorship to democracy, have moved also to acceptance of ILO standards of trade union rights. Spain, Poland (though only briefly), and Argentina are examples. Certainly the ILO work has saved lives and freed many individuals from prison or detention. It has also served a preventive function.

The divergence between the two ILO ideologies, the traditional and the developmental, continued through the Morse years and indeed it persists today. But Robert Cox has observed that, while distinguishing these two sets of ideas within the Office, "one should not lose sight of the persistence of a strong ethic of loyalty to the ILO and discipline in its service". Thus the legalists and the economists should be thought of as representing divergent tendencies, not as rival factions.

During the Morse years the ILO increased the number and scope of its meetings. Industrial committees, regional advisory committees and regional conferences met regularly.

In 1963 Morse made an attempt to instill a greater unity of purpose into the ILO's increasingly diverse activities and tendencies. He began this initiative with his annual report to the Conference to which he gave the significant title *Program and Structure of the ILO*. In it he described and reviewed the ILO's various activities, and then suggested that the ILO should try to concentrate its action into a limited number of "programs". For most delegates this was a strange concept. Hitherto the ILO had responded to the needs of the moment rather than to any organized set of priorities.

According to the concept, the objectives of the programs would be fulfilled by mobilizing the various "means of action" the ILO had at its disposal. In addition to standards and technical co-operation, these means of action included research, publications, discussions at regional, industrial and other meetings, and the ILO's function as a clearing house for information. Furthermore the ILO's action in these program areas would be systematically evaluated.

Few of the Conference delegates can have had a very clear idea of what Morse was suggesting. The concept of subject matter programs did, however, ring a bell with a few. Among them were the Canadians who, over the next few years, took the initiative in refining and developing Morse's proposal, discussing it in private meetings with other Western delegates, with "activist" members of the Office staff, and with Morse himself.

The concept of programming turned out to have limits, particularly when it came to fitting ILO standards into the scheme. For traditionalists the idea of subordinating international labour standards to the priorities of individual programs seemed to weaken the beautifully constructed legal system that had been the ILO's best-known production.

Morse re-organized his budget presentation in order to identify the particular subject matter programs and show the resources allotted to each. But the international labour standards people defended their system successfully, and it remained as a program in itself, rather than as a means of implementing subject matter programs.

The Governing Body, partly in response to Canadian suggestions, began a process of reviewing individual ILO programs. The Office prepared papers setting out the objectives of the programs and the activities that were proposed. This process in itself, as well as the Governing Body debate, did much to weed out activities which had run their course and to develop a better sense of purpose. For the better-organized programs the Governing Body review could be relatively brief. In other cases the programs were studied and reformulated by working parties.

As one of the final initiatives of his term of office Morse started a major program concerning employment policy and job creation. To this he gave the name World Employment Program, a title which to many observers seemed grandiose in relation to the results the ILO might hope to achieve, although everyone agreed that the idea was important. It was as though an ILO activist had produced the idea and an organization man had produced the title.

One must mention two more of Morse's initiatives. The International Institute for Labour Studies, founded in 1960, was to conduct and sponsor independent, forward-looking research. It would also perform a training function and conduct seminars in the regions. Under the direction of Robert Cox some admirable work was done. Cox resigned abruptly after Morse's departure because he believed that Morse's successor as Director-General was not permitting the Institute the independence it needed.

During the 1960s the Governing Body accepted an invitation from the Italian Government to establish an International Centre for Advanced Technical and Vocational Training in premises that were available at Turin. The Turin Centre experienced growing pains but continues to function in co-operation with ILO technical branches in bringing in workers and managers from developing countries for management development and other kinds of advanced training.

The year 1969 marked the fiftieth anniversary of the ILO. Labour and employer organizations as well as governments all over the world celebrated the event. In Canada, for example, a national tripartite conference was held, a commemorative stamp was issued, and special publications and other activities were undertaken. Pope Paul VI visited the annual ILO Conference and made a speech. And the International Labour Organization was awarded the Nobel Peace Prize.

At this point the ILO was at the peak of its reputation. The Morse decades, the 1950s and 1960s, had been years of growth and positive endeavour. After 22 years of achievement as Director-General, David Morse retired.

The decade of the 1970s, in contrast, was to be a time of trial. I have dealt so far in this chapter with the substantive work of the ILO. But difficult political problems had been occupying more and more of the time and attention of Morse himself and of delegates to the Conference and the Governing Body.

The ILO, as we have seen, was designed essentially for a private enterprise world. Its structure of meetings called for the participation of employer and labour leaders as well as governments. But its object was to mitigate the extremes of capitalism. What the ILO stood for was a system of reform capitalism in which the private sector continued to play the leading role but in which government had the responsibility of assuring minimum labour and social standards and benefits.

This concept was to undergo attack from two sides: obviously from the Communist left which did not fit the ILO tripartite structure, but also from those who held a right-wing view of economics and thought. To them the ILO was going too far in its philosophy of reform capitalism. The ILO convention of 1952 on minimum standards of social security (No. 102), which called for sickness, unemployment and old age benefits, compensation for work injuries, family allowances and medical care and hospitalization, was a focal point for the discontent of U.S. employers and some of their colleagues. The entry of the Soviet Union and the Eastern European bloc countries into ILO membership in 1954 increased their concern. For those who made no distinction between social security, socialism and communism, the ILO now appeared to be Communist dominated. While more common-sense views prevailed for a while, the suspicions of the ILO that were engendered in U.S. employer circles at this time were to be easily reawakened in the 1970s.

The entry of the Communist-bloc countries did of course present a severe challenge to the ILO tripartite system. This was not a new experience. Totalitarian states of one kind or another had been in and out of the ILO for years. With right-wing dictatorships, however, the private enterprise system generally survived. In their countries it was the unions that were suppressed, or turned into state-controlled organizations. The ILO workers group might protest and challenge the credentials of worker delegates from such countries, but the employers group would not support the workers' challenges.

When the Communist countries came into the ILO, it was the turn of the employers group to protest and challenge the credentials of the managers of socialized enterprises whom the Soviet Government sent to the Conference as employer delegates. The workers group, while they felt little affinity with the Communist trade unions, nevertheless accepted their delegates eventually, in much the same way that they had been obliged to accept representatives of other state-dominated unions in the past; that is to say they allowed them the right to participate in meetings of their group while maintaining their ideological differences. The employers flatly refused any kind of accommodation with the Communist employer delegates, in spite of the Conference's decision to accept their credentials.

The Soviet Union in the 1930s had made only a brief and tentative appearance on the ILO scene. Its attitude towards the

ILO had been hostile and remained so during the immediate postwar years. In rejoining the ILO in 1954, the USSR did so as a much more powerful state, determined to make full use of its membership. Its main object appeared to be to use the ILO as a forum for promoting its own ideology and seeking to influence delegates from the developing countries, which at this time were gaining their independence in growing numbers and joining the ILO. The Soviets also hoped to gain useful information of various kinds from their membership in the ILO.

It would be tedious to describe the many conflicts that followed Soviet entry into the ILO. Suffice it to say that in debates by far the most effective speakers against Communism were usually delegates from the free trade union movement. Such speakers have been both knowledgeable and specific. Western employer delegates have been less effective. Communist debaters, with occasional exceptions, have tended to be dogmatic and repetitive.

What proved to be a serious tactical error by the Communists was their decision to ratify most of the ILO human rights conventions. It was obvious that their system did not correspond with the requirements of Conventions 87 and 98 in particular, providing for the independence of trade unions and employer associations. The ILO monitoring bodies pointed out the discrepancies. This placed the Communist governments in a dilemna. They had no intention of altering their system to meet the suggestions of the ILO Committee of Experts, nor were they prepared to denounce their ratifications. They chose the alternative of denouncing the Committee of Experts' findings, which they declared to be false and biased. The controversy continued year after year in the Conference Committee on Applications.

The Conference atmosphere became more charged in the 1960s following the arrival of large numbers of newly independent states. The Conference, as we have seen, was largely devoted to standard setting. This process was only of mild interest to the newcomers. They were far more interested in the ILO operational activities, a process to which the Conference paid little attention.

At this time a formerly small and obscure Conference committee began to acquire great interest. This was the Resolutions Committee. It dealt with questions not formally inscribed on the Conference agenda. Previously its work had usually concerned proposals that the ILO should pay more attention to this or that aspect of labour policy. The Communist countries now began to introduce resolutions on such subjects as disarmament, colonialism and neo-colonialism. Delegates from newly independent countries also began to use the committee. The Africans submitted resolutions on territories which had not yet gained their independence, and above all on the question of apartheid in South Africa. Arab states used the committee for attacks on Israel.

The committee became a political forum. Western countries could not avoid involvement. This meant that senior members of national delegations no longer had time to serve on standard-setting committees, but charged into battle on resolutions on political issues which, exciting as they might be, had little to do with the ILO's aims and purposes. Their adoption or rejection by the Conference had only symbolic importance, and made no impact on ILO activities.

Similarly, the annual debate on the Director-General's report, conducted in plenary session in the Conference's main hall, provided a forum for denunciatory political statements. The African delegates wanted to expel the Union of South Africa from the ILO. At the 1963 Conference, when the South African worker delegate rose to make a speech in the debate on the Director-General's report, the African delegates quit the hall in a body and stood outside the doors chanting slogans. In vain did the International Labour Office produce a paper outlining how the ILO's research, its monitoring of standards, its missions, and its investigation procedures could be mobilized against apartheid so long as South Africa remained an ILO member. The Africans pushed through the Conference a draft amendment to the Constitution aimed at providing authority to expel South Africa. Although this amendment was never ratified by enough member states to take effect, it served its purpose, as South Africa withdrew from ILO membership on its own initiative.

Until the 1960s Western European states had exerted the major influence in ILO circles. They now found themselves in a minority at the Conference. For a while they remained strong in the Governing Body but here too things began to change. The third-world countries began to demand changes in the structure of the ILO, aimed mostly at the Governing Body, and above all at the constitutional requirement that 10 of the government seats on the Governing Body should be reserved for the states of chief industrial importance.

The Communist countries also demanded change, though with different objectives. For them the most serious problem concerned elections to the employers group of the Governing Body. These elections were held every three years at the Conference. The employers group of the Conference refused, as a matter of principle, to elect to the Governing Body any of the managers of socialized industries put forward by the Communists.

Communist countries had other problems. They failed to win as many seats as they hoped in elections to membership of ILO industrial committees. They objected to the ILO monitoring procedures, which showed them in violation of human rights conventions. They complained that they were under-represented on the staff of the ILO Office. On this latter point they put pressure on David Morse; and in this it must be said that they followed the example of other powers which also sought to have their nationals in positions of authority in the Office. The difference was that Western staff members usually achieved promotion following years of service in the ILO; the Soviets prevented their nationals from becoming genuine international civil servants by bringing them home to Moscow after only brief periods of service.

Morse realized that the claim of the second-largest ILO member country for one of the posts of assistant director-general in the ILO could not be resisted indefinitely. But the issue was still festering at the time of his retirement.

His lengthy term of office had seen great expansion in ILO work. Along with the growth in technical co-operation, the particular achievement of the Morse years had been the new emphasis on human rights subjects, embodied in standards and in the special procedure relating to trade union rights.

In spite of progress in the ILO's substantive work, the struggles over political issues and over questions of ILO structure and control were intensifying. Morse's political skill and personal popularity had kept matters relatively calm, but as he enjoyed the recognition of the ILO's anniversary year, trouble was brewing.

* * *

In an earlier chapter I quoted at some length from a speech by Albert Thomas. Morse also was a spellbinder, but in his own informal style.

At a meeting of the Governing Body in 1967, Morse was re-elected, after 19 years of service, for yet another term as Director-General. Various members of the Governing Body said how pleased they were that he had agreed to continue, and some mentioned the personal sacrifice he was making in accepting such a burden.

At the end of a long morning, when I remember being tired and hungry and not willing to listen to another word from anybody, Morse spoke. And suddenly we all forgot our weariness and political antagonisms, if only briefly, and we felt like friends, united in a common struggle.

I am fortunate to have the speech on tape. I wish the reader could hear the words in Morse's voice, but the reader will have to use imagination. Here is an extract:

> When speakers have been kind enough to say that this has been something of a personal sacrifice on my part, to remain as Director-General, don't believe it. I must scotch that right away.
>
> If ever I faltered with respect to continuing for a new term it was because I was either tired, or because I thought the Organization was due for a change, or because I thought perhaps it might be in the best interest of the Organization to have such a change. But never because I felt that remaining would be in any respect a personal sacrifice either for my wife or myself. It is a very great honour for which I thank you.
>
> It is not a sacrifice either — we've known each other so many years — because of the opportunity it gives me not only for official performance but for personal satisfaction — and why personal satisfaction? — because those things in which we are engaged here coincide with my deepest convictions.
>
> In the first place, I hate discrimination from the bottom of my toes.
>
> And in the second place, I am made ill by vistas of poverty that exist in the world.
>
> And in the third place, I'm overwhelmed by the problems of sickness that exist every place in this world, especially among those less fortunately blessed.
>
> And next, I hate war, and I realize that if we are going to make some impact on this problem of war and peace we must deal with the causes. And I think in this Organization we are equipped, more than many people think, to deal with the causes which underlie the continuing generations of war.

> And finally I believe — I believe profoundly — in the brotherhood of man and in the necessity of love as the basic ingredient for the basic cement of this brotherhood. And I believe that these are the elements for which we all work in this Organization. This is why we are here, the workers, the employers, and the governments.
>
> So what more could a man ask, but to do his official duty which coincides so completely with his personal convictions?

The tape that I have of that speech may be the best example I can leave for my grandchildren of the spirit that could, on occasion at least, inspire those who took part in the ILO endeavour.

14

A Difficult Decade

Shortly after David Morse's retirement, the United States began to express acute displeasure with the International Labour Organization. As early as 1970, Congress voted to withhold payment of the United States' contribution to the ILO budget. In 1975, the U.S. Government gave notice of its intention to withdraw from ILO membership at the end of the two-year waiting period required by the ILO Constitution. In 1977, the President confirmed the U.S. withdrawal. But in 1980, the United States resumed its membership in the ILO.

Since the United States was the largest contributor to the ILO, its rate being 25 per cent of the budget, its actions had a serious impact on ILO work. The United States' actions also caused distress to its friends and allies, none of whom chose to follow the U.S. example.

The U.S. displeasure had nothing to do with ILO programs and activities. It was caused rather by political developments in the ILO as the United States perceived them.

My main concern in this book is with the work the ILO performs and with the quality of its performance. My account of the U.S. withdrawal is a digression from this theme. But one cannot ignore the political environment in which the ILO functions. If the ILO survived its difficult decade, it must have been because its work seemed useful to most of its members. We shall look first at the work the ILO managed to carry out during the 1970s, and afterwards at the political circumstances that hampered this work.

Inevitably the ILO's research and documentation were cut back, staff was reduced, and the number of ILO meetings was curtailed. This was the main effect of the U.S. withdrawal of its contributions. The scope of the Office's technical co-operation was not greatly reduced since the projects were funded mostly from sources outside the ILO budget.

The setting and monitoring of international labour standards was not much impaired; the Conference revised various of its old conventions and adopted new ones on occupational cancer, hazards in the working environment, paid educational leave, and systems of national tripartite consultation, among other matters.

The new Director-General, Wilfred Jenks, introduced an important idea — the use of ILO conventions as a basis for a system of fair labour standards in international trade. This was a return to the concept that had motivated the founders of the ILO years earlier — that the ILO might mitigate competition based on low labour standards. The idea was still good but the working methods proposed by Jenks did not seem practicable to the Governing Body. Jenks' initiative had a mixed reception and was not pursued.

The World Employment Program, launched by David Morse, went forward vigorously. The program attracted publicity with a series of missions to individual countries, including Colombia, Kenya and Sri Lanka, undertaken by teams of economists, social scientists, and other experts. These teams drew up plans aimed at eliminating unemployment. They presented reports to the governments concerned, which were published, evoked much positive debate, and contributed to policy formulation.

After several years of research and pilot projects the ILO held a special World Employment Conference in 1976, which produced a declaration suggesting national and international principles and policies designed to lead to higher employment throughout the world. The principal innovation was a so-called basic needs strategy. It was urged that countries should individually determine the needs of their poorer citizens, such as food, health measures, clothing and so on, and then develop plans to meet those needs. The needs and the plans might vary from country to country. The common feature would be the use of labour-intensive methods wherever feasible. Aid-giving countries would be invited to help in carrying out the plans.

During the early 1970s the Governing Body continued with its in-depth reviews of individual ILO programs. A review of the activities on conditions of work and life led, after a while, to another important initiative by the Office, the so-called PIACT program. The name is formed from the initials of the French words for "International Program for the Improvement of Working Conditions". This program, like the Employment Program, has organized missions to individual countries, designed in this case to help them develop policies, legislation and administrative systems. Some projects have been comprehensive; others have dealt with specific problems such as occupational safety and health. Again like the Employment Program, PIACT field activities have been backed by research and studies and have attracted funds from the UNDP and individual donor countries as well as the ILO budget.

The ILO's human rights work gained strength during the 1970s. More countries ratified the human rights conventions. And there was a rise in the volume of complaints to the Governing Body's Freedom of Association Committee. This represented not an increase in the number of violations of trade union rights in ILO member countries but rather an increased awareness of the ILO procedures and desire to use them. The committee steadily built up its case law and procedures, and its moral influence expanded.

The Governing Body undertook an in-depth review of the international labour standards program. This produced mixed results. It failed to come to grips with basic questions about the role and purpose of standards but it did lead to a number of improvements in procedures. Meanwhile changes were occurring in the work of the Conference Committee on Application of Standards. The growing number of new instruments and of ratifications had made the ILO's monitoring procedures increasingly difficult to manage. There was resentment when the committee called attention to cases of non-compliance with human rights conventions. This led to changes in the committee's character. From a small number of delegates, experienced in the committee's outlook and procedures, the committee grew to include large numbers of delegates whose interest lay primarily in the political implications of the committee's work.

Delegates who smarted from its findings, coming from an uneasy mixture of Communist and right-wing dictatorships, worked to prevent the committee reports from being adopted by the Conference when they were presented in plenary session. Their method was to abstain, rather than to vote against a report, in the hope that it would fail to be adopted for lack of a quorum. Once or twice they succeeded, in spite of which the committee succeeded by and large in maintaining its posture of calm and objective analysis of the cases that came before it.

During the decade, the ILO undertook work concerning multinational enterprises and their impact on social policy. Following study by a committee, the Governing Body adopted a Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Using the declaration as a base, the ILO Office circulated a questionnaire to governments inquiring about their policies and seeking information on the activities of multinationals. The Office also embarked on a program of research.

During the 1970s the ILO spent much energy on a set of problems that aroused strong feelings, though they had little to do with the ILO's work. The problems mainly concerned the powers and the structure of the Governing Body and its relationship to the Conference. A Working Party on Structure was set up. The developing countries wanted in particular to eliminate the system of non-elective seats for the ILO states of chief industrial importance. After much wrangling, lasting through the decade, this idea was agreed to in principle, provided a formula could be found for electing a fixed number of members from each geographical region. As the discussions proceeded it became clear that the only kind of formula that would gain acceptance would require a large increase in the size of the Governing Body. It was useless to protest that such an increase would make it difficult for the Governing Body to do its work efficiently. When and if a structure agreement is eventually reached, the small executive organ set up in 1919 will become an assembly of nearly 100 delegates, many of them accompanied by several substitutes.

The main Communist objective in the Working Party on Structure has been to obtain representation in the employers group of the Governing Body, from which the employers have consistently excluded them. During the 1970s all attempts at finding an accommodation on this issue failed.

Putting discussions on structure aside, the decade of the 1970s was one of considerable accomplishment for the ILO, which is all the more remarkable when one considers the handicap imposed by the U.S. withdrawal of its budgetary support.

The sequence of events leading to the U.S. actions was begun by George Meany, the President of the AFL-CIO. Meany was a trade unionist in the tradition of Samuel Gompers, who believed in collective bargaining rather than labour legislation as a means of improving conditions of labour. Meany was suspicious of anything to the left of his own belief in an unfettered private enterprise system as the best source of benefits for workers. He not only hated Communism, he also distrusted the social democrats who led European trade unions and who were the major force in the Brussels-based International Confederation of Free Trade Unions. The ICFTU was the strongest influence in the workers group at the ILO. It was just as much opposed to Communism as Meany, but from a different perspective.

Meany wanted to see the American industrial relations system transplanted to third-world countries. The AFL-CIO had its own program of aid to trade union leaders in developing countries. Much of the money came from non-trade-union sources; and it often went to people who, apart from being vocal in their anti-communism, had dubious qualifications as trade unionists. When Meany's program ran into conflict with the ICFTU, Meany pulled the AFL-CIO out of the ICFTU.

Meany disliked the fact that Communist countries were members of the ILO; he liked it even less that some of their nationals were employed by the ILO Office. Shortly after David Morse's retirement, an incident occurred which touched off all his hostility. The two candidates to succeed Morse as Director-General of the ILO were Wilfred Jenks, an ILO traditionalist, and Francis Blanchard, a Frenchman who for many years had been in charge of the ILO's operational programs. In the election, Jenks received three of his votes from the American employer, worker and government members of the Governing Body. He won the election by two votes.

The Soviet Union had not supported Jenks. Jenks nevertheless decided that it was not feasible to hold off any longer from appointing a USSR national to one of the senior posts in the Office hierarchy. He decided to name Pavel Astapenko as an assistant director-general, a post with largely honorary duties and little real power. Jenks realized that his action would cause concern to various employer and worker members of the Governing Body and particularly to the Americans. But he was determined to maintain the integrity of the ILO as independent of any government or interest group. It was a tough decision, and one that Morse had avoided up to his retirement. Jenks went ahead with it. Before announcing the appointment, Jenks informed the U.S. Government delegate of his decision. He also consulted with him concerning the possible appointment of an American to one of the top positions, since Morse's retirement meant that there was no longer an American in the ILO directorate.

When Meany heard the news he was outraged that Jenks should have flown in the face of the Americans who had supported his election. At his instigation Congressman John J. Rooney, Chairman of a subcommittee of the Committee on Appropriations of the House of Representatives, convened a meeting which began the process of withholding the United States contribution to the ILO.

As documented in the subcommittee's proceedings, Meany made a statement giving the background of Soviet membership in the ILO. He claimed that the Soviet Union followed a practice of putting pressure on the Director-General to secure its objectives in the ILO by threatening to withhold its financial contribution to the ILO budget. The record of the subcommittee continues:

> MR. ROONEY: Mr. Jenks must be made to realize that he would be better off to lose the 10 per cent, the Soviet Union contribution, than the 25 per cent contribution of the United States of America.
> MR. MEANY: Except that he just doesn't believe the United States will act.
> MR. ROONEY: Well let's show him . . . .

Meany expressed his views about the ILO to the Rooney subcommittee in the following terms:

> We in the American trade union movement believe in the ILO and its purposes. We see its purposes being twisted and turned to where, if there is not a stop, the ILO will be useless insofar as its original purpose is concerned, and it will exist only as an international propaganda organization dedicated to the Communist way of life, and certainly it will be an organization that can make no contribution to the welfare and the interest of our country.
>
> As I say, it has now gotten to the point where at practically every session we have to sit and listen to tirades, the usual Communist propaganda tearing this country down, portraying us as the opponents of human freedom and imperialism, and so on and so forth. Unless this is stopped I would say the ILO will be useless insofar as the American labor movement is concerned and as far as our Government is concerned. This latest move in my book is the last straw when they are ready to put a Russian into this key spot, at the top of the structure in Geneva where he can certainly within a very short time do a great deal of damage to the interest of the United States of America. . . .

Meany's testimony was followed by testimony from Edward Neilan, the U.S. employer delegate to the ILO, corroborating Meany's description of conditions at the ILO. Neilan made one interesting point: that the withholding of funds would not accomplish its purpose unless it was accompanied by a clear statement of the reason for it. This however was never done.

The subcommittee's action was confirmed by Congress, and thus began a five-year period during which the United States was continually in arrears in its contributions to the ILO, but from time to time paid a sum sufficient to maintain itself as a voting member of the Organization.

It will be appreciated that Meany had a picture of the ILO that took very little account of the positive accomplishments of the Organization. His testimony, coming from the leader of the U.S. labour movement, must have given a shocking impression of the ILO to congressmen and to others who may have heard or read it. There is always a danger, in any democratic organization, that it may find itself at risk from subversive forces. But to those of us who knew the ILO, Meany had blown up the risk beyond belief. Astapenko had very little power to damage anybody's interest, let alone the interest of the powerful United States of America. The idea that the ILO was in any serious danger of turning into "an international propaganda organization dedicated to the Communist way of life" seemed absurd when applied to an organization which, more than any of the UN agencies, continued to uphold Western values. Meany was right to the extent that speeches made in the Conference occasionally contained hostile references to U.S. foreign policy. The context, of course, was the involvement of the United States in Vietnam, and similar speeches were being made in every other UN forum at that point in history.

To understand Meany's underlying intention, one must go back to the indignation of the American employers, which I described earlier, on the occasion of the USSR's entry into the ILO in 1954. Morse and others, at that time, had supported the principle of universalism, namely that all countries in the world should belong to the ILO. American employer and worker delegates saw this principle as being irreconcilable with that of tripartism, to which they attached a higher value. David Morse explained his position in 1968:

> There has never been any question of sacrificing tripartism to universality. The problem has been much more one of reconciling these two essential aspects of the ILO's structure. In this respect, some progress has been made.
>
> The events of the past fourteen years have shown that tripartism and universality are not irreconcilable. Certain adjustments have had to be made in the procedures and methods of work of the Organization, and particularly of the International Labour Conference, to enable tripartite delegations from Socialist countries to participate effectively in our work. These adjustments have not met with the unanimous approval of the ILO's constituents. But at least they have enabled East and West to live together in the ILO, and there have been signs in recent years that hostile co-existence was beginning to give way to more active co-operation.

David Morse, then, saw the hope of a gradual, mutual accommodation in the ILO between East and West. He proved to be an optimistic prophet. Persons like Meany would have preferred the Communist countries to be out of the ILO. If they were to be present their violations of human rights should be constantly exposed and formally criticized by decision of the various ILO bodies competent to deal with them. Their statements of position should always be replied to and their arguments refuted. They should never be elected or appointed to posts of honour or influence. Western countries should line up with the United States in this unrelenting battle.

Many people of otherwise moderate views shared some at least of Meany's approach. Persons concerned with the United Nations system as a whole know that it is possible and desirable to work with Communist delegates in various international organizations and for various purposes. In most of these organizations it is only natural that Communist delegates should have the same access to honours and privileges as other delegates. But within the ILO there are nagging differences. Although the ILO deals with many areas of work in which ideology is not a factor, the ILO also deals with human rights issues and principles of trade unionism concerning which there is deep conflict between the philosophies of the Communist and democratic countries. It is for this reason that delegates from the latter group, particularly employers and workers, have resisted granting Communists the highest honours, with their auras of acceptance and respectability.

One might have expected that, having punished Jenks for his appointment of Astapenko, Meany would have been prepared for a gradual normalization of relations between the United States and the ILO. But as the 1970s continued, further trouble was beginning to brew. During the years 1973, 1974, and 1975, the ILO Conference got through a normal volume of technical work. But during these years the Arab countries were fighting political battles which had nothing to do with the ILO's normal activities. The United Nations General Assembly and various specialized UN agencies had already adopted resolutions attacking or condemning Israel in one way or another. But within the ILO, with its tripartite structure, the Arabs did not find their work so easy. The automatic majority that the Arabs could muster in the General Assembly was not so automatic in the ILO.

In 1973 the Arabs failed to secure the adoption of a resolution condemning Israel. In 1974, they won but by a majority of only six votes. And in the debate they found themselves up against tough and effective opposition from free trade union leaders, such as Joe Morris of Canada and Bob Hawke of Australia. In 1975 they won their biggest triumph, the admission of the Palestine Liberation Organization to observer status. Various Western delegates were unwilling to resist this proposal, given that the PLO had already won similar status in the UN and certain of its agencies, and it was adopted by an overwhelming majority.

After a lapse of years, to reread the record and recall the events of the Conference for 1973, 1974, and 1975 is a disturbing experience. The record gives little indication of the emotions that pervaded the conference hall, the tensions, the interruptions by delegates calling for the floor on points of order, the turmoil, with delegates moving into the aisles in such a way as almost to convey a physical threat.

The record does not describe the walk-out of the Arabs and their followers in 1973, when they realized that their resolution was not going to be adopted, nor their jubilation the following year, when they pushed the resolution through by the narrow margin of six votes. One of the main criticisms of the 1973 resolution had been that it first "condemned" the policies of the Israeli authorities in occupied territories and then called for a special Governing Body committee to investigate these policies. In 1974 the Arabs evaded this particular criticism with a resolution which "condemned" but omitted the call for investigation.

The role played by Wilfred Jenks in the 1973 Conference deserves mention. Just before the debate on the Arab resolution, Jenks was scheduled to make the formal speech that the Director-General customarily makes in reply to the Conference debate on his report. In the course of a long and wide-ranging statement Jenks said in part: "For the Conference first to condemn and then to call an inquiry, the terms of reference of which would be to confirm such condemnation, would be to offend the principle of due process on which all our work relating to the implementation of conventions rests."

It is impossible to say how much influence Jenks' observation may have had in defeating the Arab resolution in the vote taken later in the day. The Arabs bitterly resented it. The next day the government delegate from Syria presented a statement which said in part:

> The representatives of the African and Arab countries . . . deplore the attitude of the Secretary-General of the Conference who abandoned his duty of neutrality by taking up a position against the resolution in his reply to the discussion of his report, and by practicing all kinds of

> manoeuvres and pressures in order to delay the examination of the resolution by the plenary sitting of the Conference.

Several delegates from Western countries, including the Canadian delegate, expressed support for what the Director-General had done. It is noteworthy that the American government delegate joined in the defence. He said:

> Speaking on behalf of a Government which has had its differences of opinion with the Director-General, I think I can say, with perhaps more feeling and conviction than many other Government representatives, that his stand in his speech of yesterday concerning the necessity to uphold constitutional process in this Organisation should be commended and supported. I thank him for those statements.

It is to be hoped that these gestures were some consolation to Jenks for the ordeal of seeing his beloved ILO Conference in a shambles and his own integrity impugned. Within four months of the Conference he was dead of a heart attack.

In 1975, the United States' attitude towards the ILO took a turn for the worse. When the Conference voted to admit the PLO to observer status, Meany publicly called on the U.S. Government to give notice of withdrawal from the ILO. The reasonable reader may find it surprising that his call for such drastic action received ready support. It also seems surprising that his position went virtually unchallenged within the Executive Council of the AFL-CIO. The reasons, as they unfolded, turned out to be strange. Unfortunately there was a widespread ignorance about the ILO and its work. The problem — and it is not unique to the United States — lies in school curriculums which give insufficient information about the ILO and the United Nations generally. The man in the street knows little about the ILO; and members of the media, often equally uninformed, do little to fill him in. So there were few voices to answer Meany's alarmist statements.

Meany was recognized by the U.S. Congress as the official spokesman for American labour. This was true even though during his term of office the AFL-CIO was losing strength. The proportion of workers who were union members declined in the United States, where it was already much lower than in, for example, Canada, Great Britain, Australia, and

Sweden.[1] But Meany said that conditions in the ILO were awful, and Congress was prepared to believe him.

As for the Administration, it was faced with the hard fact that if the AFL-CIO declined to participate in ILO meetings then the Government would be unable to send a tripartite delegation. The Secretary of State, Henry Kissinger, told a Canadian diplomat that he had serious doubts about giving the ILO notice of withdrawal. Two years later the President, Jimmy Carter, is said to have felt similar concern about confirming the notice. The story goes that he was advised by an aide that he would have enough trouble with George Meany over matters of domestic concern without crossing him on this less important issue.

In 1975 Meany's position is said to have been supported by the employers and by John Dunlop, the Secretary of Labor. And so Henry Kissinger, the Secretary of State, signed a letter giving the required two years' notice, and it was delivered to the office of the ILO Director-General on November 6.

The Kissinger letter made no mention of the particular incident which had touched off Meany's anger. It set out a number of general reasons for the U.S. action. The letter began by stating that the United States did not desire to leave the ILO and did not expect to do so; rather it stated that during the two-year period of notice the United States would "work constructively within the ILO to help the Organization return to its basic principles and to a fuller achievement of its fundamental objectives".

The letter listed four "matters of fundamental concern". The first of these was "the erosion of tripartite representation". The letter stated that the U.S. Government "cannot accept the employers and workers groups in the ILO falling under the domination of government".

Second, the letter accused the ILO Conference of having shown "an appallingly selective concern in the application of the ILO's basic Conventions on Freedom of Association and Forced Labour. It pursues the violation of human rights in some Member States. It grants immunity from such citations to others." (This the Americans called a "double standard".)

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[1] Labour organization membership as a percentage of non-agricultural employment dropped in the United States from roughly 31 to 25 per cent between 1960 and 1980, while rising in Canada from 32 to 37 per cent. In Great Britain and Australia the figure has been around 50 per cent, and in Sweden close to 90 per cent.

Third, the letter accused the ILO Conference of disregard for "due process". Recent sessions of the ILO Conference had adopted resolutions condemning particular member states "in utter disregard of the established procedures and machinery".

Finally, the letter complained that the ILO "has become increasingly and excessively involved in political issues which are quite beyond the competence and mandate of the Organization". This trend towards an increasing politicization of the Organization was said to divert the attention of the ILO from improving the conditions of workers.

The Government set up a committee in Washington to monitor events at the ILO. Known as the "Cabinet-Level Committee", it included the Secretary of State, the Secretary of Labor, a White House representative, and employer and labour leaders.

The complaints stated in the Kissinger letter seemed less important than an unstated complaint, which was that the Communists and Arabs were getting their own way too often at the ILO Conference. For the ILO to "return to its basic principles" seemed to mean preventing the Communist countries from receiving too many posts of honour and preventing the Arabs from introducing resolutions attacking Israel. It also meant pinpointing Communist violations of human rights in the Conference Committee on Application of Standards, and keeping Communist employers off the Governing Body. It meant ruling out of order any speeches in plenary debate at the Conference which attacked the United States, Israel, or indeed any government.

To win such objectives meant rallying the industrialized democratic countries and as many as possible of the third-world countries to support the U.S. position. The U.S. Government took steps to this end through diplomatic channels. The reaction was rather mixed. The U.S. charges were serious, if true, but to many people who knew the ILO these charges seemed out of proportion, considering the positive work the ILO was doing. One United States ambassador complained to a Canadian that the European governments, in their discussions with U.S. representatives, seemed to be bent on showing Americans that their conclusions about the ILO and their decision to withdraw were wrong, and that the United States ought to change its mind. The ambassador emphasized that the U.S. Government had decided to leave the ILO and would only change its mind if the Organization changed direction. So the question was not how to get the United States to modify its position but rather how to change the ILO. It was difficult to accept this blunt warning.

The Canadian Government took the view that not only the ILO but also the United Nations system would be weakened if the United States left the ILO. It was therefore decided that Canada should do what it could to keep the U.S.A. within the ILO.

Canadian Government representatives accordingly took the initiative in Geneva of arranging for informal meetings of the democratic industrialized countries. Those who attended shared a desire to keep the United States within the ILO and a willingness to coordinate their plans, and even to maintain a certain discipline in their actions. There were exceptions; some of the veterans of ILO meetings from Western European countries were accustomed to operating their own brand of solo diplomacy, and such individuals were often good for surprises. But on the whole the group held together well and it acquired a name. The name was "Industrialized Market Economy Countries", and delegates from such countries became known as the IMEC group. The name was looked at doubtfully at first by delegates from countries with a relatively large degree of government participation in the economy. But it was pointed out that the letters I, M, E, C, could also stand for "Industrialized Mixed Economy Countries". There were smiles, and the designation was accepted.

The IMEC group continues in action to this day. Its establishment was one of the most important consequences of the United States' notice of withdrawal from the ILO. Some of us were uneasy. The establishment of a "group" of this kind seemed to solidify and legitimize the existence of the two other principal government groups in the ILO, the Communists, who called themselves the "socialist" group of countries, and the Group of 77, coming from third-world countries. Many of us hoped that over time confrontations would gradually be reduced in the ILO, and that in consequence such groupings could eventually be phased out. After all, the Group of 77 had set itself up originally as a power structure within the United Nations. There it tried to influence decisions on matters of trade and economic policy. The ILO concerned itself primarily with social policy, and with policies on social questions and human rights in the labour field. For the proper development and implementation of such policies, solid power blocs were hardly the appropriate means.

But these were long-term considerations, and in the short run the needs were different. We could regard it as a positive accomplishment that the ILO meetings of 1976 witnessed a remarkable trend towards cohesiveness in the Western-oriented countries and that the new term "IMEC" had entered the ILO vocabulary.

The Canadian position as convenor of the IMEC group was not easy. We realized that we would have to take a more aggressive stance towards Communist and some of the third-world countries than we thought desirable and run the risk of being regarded by other ILO delegates as a U.S. satellite.

However I had the feeling that on the whole our position was understood and respected by our friends. Certainly the Western Europeans did not envy us the task we had assumed. When we suggested that the chairmanship of IMEC ought to rotate and some other governments take their turns in convening and organizing the meetings, we were invariably warmly thanked for the valuable work we had undertaken and urged to continue it.

To describe the particular incidents of the Governing Body and Conference meetings of 1976 and 1977 would be to stretch the reader's patience. The meetings dealt with a number of labour and social questions. But delegation leaders could spare little time for these. We had to focus on issues involving the Americans, the Soviets and the Arabs. As the 1977 Conference started, we knew that it would be crucial to the American assessment of whether the ILO had "returned to its basic principles" sufficiently to permit them to drop their letter of withdrawal. Many issues concerned the Americans: resolutions; amendments to ILO standing orders; ILO structure; elections to this or that post of honour; speeches in plenary session; the Committee on Applications. Few matters of substance were involved; the issues had mainly a symbolic importance. For example:

> No resolution was introduced at the 1977 Conference condemning Israel: a *plus*.
> Panama introduced a resolution condemning the United States for discrimination against Panamanian workers in the Canal Zone: a *minus*.
> The Resolutions Committee voted to give the Panama resolution a high place on its priority list: a *minus*.
> The resolution was not reached on the agenda and thus was not acted on: a *plus*.

An amendment to the standing orders designed to hinder the introduction of condemnatory resolutions was considered by the Conference. Those who favoured the amendment wanted to refer it to the Standing Orders Committee. Those opposed wanted to send it instead to the Structure Committee, where it would have less chance of adoption. This was an issue of high symbolic importance. The matter was dealt with in a procedural debate in plenary session:

> Most IMEC government delegates made speeches favouring referral to the Standing Orders Committee: a *plus*.
> Their speeches were low-key: a *minus*.
> The American worker delegate made an aggressive speech in which he criticized some remarks by the Tunisian Minister of Social Affairs: a *plus*, I suppose, in American eyes, but an embarrassment for IMEC.
> The Tunisian minister responded vehemently, to tumultuous applause from third-world delegates: a *minus* — but what did the Americans expect?
> A speech by the American government delegate, responding emotionally to the Tunisian minister, and referring pointedly to the American notice of withdrawal, stirred up another hostile reaction: another *minus*.
> The amendment was referred to the Structure Committee by a large and jubilant majority: an insulting *minus*.

I need hardly go on. It had seemed likely that with patience the standing orders issue could eventually have been resolved successfully. But the Americans gave high symbolic importance to the immediate adoption of the amendment and brought on a nasty and unnecessary confrontration.

After this, the refusal of the Conference to adopt the report of the Committee on Applications seemed to IMEC members regrettable but not surprising. After all, the report offended both the Communists and Arabs, and the Arabs controlled the Group of 77. It was noteworthy that the committee had succeeded in preparing an objective report, and that even though not adopted in plenary, the report still formed part of the Conference record. Failure to adopt it was unfortunate. But the Americans chose to consider it as calamitous.

It was a matter of perceptions. The Americans chose to interpret events in a certain way. After the Conference, the Canadian Government sent an aide-mémoire to the U.S. Government, giving our own interpretation of events at the Conference. We stressed that while there had been disappointments there had also been progress. Point one: there had been no follow-up action on the previous year's resolution condemning Israel; this was positive. Point two: the proposed amendment to the standing orders, while not adopted, had been referred to a working party for further consideration; it was by no means a total defeat. Point three: the Committee on Applications had done good work even though its report had not been adopted by the Conference, for understandable reasons; the ILO machinery for review of the application of standards would continue in the future unimpaired. Point four: future work on structure seemed likely to continue through low-key informal consultations. Point five: the results of elections to posts of honour had been satisfactory from our point of view; in particular Joe Morris, the Canadian worker delegate, had been elected as Chairman of the Governing Body.

We urged the Americans to remain in the ILO, and many other governments did the same. The Pope appealed to both President Carter and George Meany. The Canadian Labour Congress hosted a meeting of some of the world's most powerful heads of union movements, who urged Meany to change his mind.

It was all in vain. The Americans recognized that everyone wanted them to stay in the ILO, but they did not hear the ringing declarations of support for their positions that they had hoped for. And it was not a matter of their being deaf. Underneath the "principles" enunciated by the U.S. Government lurked the extremism for which Meany was a spokesman, with its history of dubious interventions in international trade union affairs and its hostility not only to Communism but to the social democratic movement.

IMEC countries wanted the United States in the ILO, but they wanted a United States true to its own deeper historic principles, rather than to the pious tone of the Kissinger letter. They wanted a United States that would itself ratify at least some of the more important ILO human rights conventions and would thus gain credibility as a full-fledged ILO member. They wanted the United States they had seen in the past, pursuing social policy objectives at ILO meetings knowledgeably and vigorously.

The effects of the United States' withdrawal may be quickly summarized. It turned out not to be the disaster we had feared. The first and most urgent problem was to preserve the viability of the Organization. The United States had contributed 25 per cent of the ILO budget; given two years' notice to plan for the contingency the Director-General was able immediately to propose budget cuts amounting to about 21 per cent of the expenditure level. The balance was made up by special contributions from member states, designed to ease the transition for the ILO to a lower level of expenditures. Most of the IMEC countries and a number of the developing countries made voluntary contributions to help the ILO over the transition period; the Communist countries predictably did not. Canada's contribution was $200 000.

Very few ILO activities were eliminated; instead, the cuts were largely across the board. So the ILO continued doing much the same things that it had been doing before, but on a reduced scale.

Significant staff cuts had to be made. But as a result of careful planning involving the ILO staff union, hardship was kept to a minimum. The longer-range effects of the U.S. action would be difficult to assess. But in a matter of days following the United States' withdrawal, it was clear that the blow was not a death-blow — that other governments were not going to follow the U.S. example, and that the ILO would continue in existence if on a reduced level of activity.

In Canada, the U.S. withdrawal was even a signal for a healthy reappraisal of the Canadian relationship with the ILO. Early in December, the newly created International Labour and Social Affairs Committee of the Canadian Manufacturers' Association, and other employer organizations, visited the Minister of Labour and discussed the ILO situation with him. The ILSA group told the Minister that, while it did not recommend that Canada follow the United States' example in leaving the ILO, nevertheless Canada should take the occasion for a reassessment of where the ILO was going and Canada's role in the Organization. The Minister agreed, and this led to some studies being made and a tripartite meeting being held in October 1978, at which a number of improvements in ILO work were recognized as desirable but the general usefulness of the Organization was not questioned.

Fears that the USSR would establish itself as the dominant force at ILO meetings were not sustained. The particular Soviet objective of changing ILO structure to provide more seats for Communist workers and employers on the Governing Body was resisted as firmly as ever. On one occasion a Soviet member of the Working Party on Structure was fulminating about the need for changes and threatened that the Soviet Union also could play the game of withdrawing from an international organization if the atmosphere proved hostile. In the corridor afterwards I told him, jokingly but bluntly, that nothing would bring the United States back into the ILO more rapidly than a Soviet withdrawal. He saw my point.

The IMEC group maintained and strengthened its solidarity. Indeed, if the balance of power within the ILO shifted after the U.S. withdrawal it was in the direction of the IMEC group.

As for third-world countries, in spite of the joy of pulling a feather out of the eagle's tail, they did not seriously want an ILO in which the weight of the United States would be lost and the Soviet Union would become potentially the most influential member. The conferences of 1978 and 1979 saw more of a willingness to seek negotiated solutions to problems.

The United States, after its withdrawal, maintained an observer delegation at the major ILO meetings. In 1979 George

Meany retired as President of the AFL-CIO. In 1980 the United States rejoined the ILO.

And so ended what I have called the ILO's difficult decade. I thought at first of calling it the "dismal" decade. It was also depressing and disappointing. But given the fact that the ILO survived the challenge, perhaps "dismal" is too negative a term and "difficult" is more evocative.

For the episode does indeed raise difficult questions for the future. The most serious of these concerns the ability of an international agency to maintain its integrity in a world dominated by superpowers. In this instance the superpower which caused the trouble was the United States. The Soviet Union lacks power to have the same impact on the ILO, but it makes its presence felt.

Can the International Labour Office do objective analysis of today's problems if its researchers and writers — and their supervisors — have to worry constantly about the sensitivities of one or other of the major contributors to the ILO budget? It is a serious and troubling question.

One possible balance to the influence of superpowers would be a change in the system of contributions to the ILO budget. It is surely asking a lot to require a single country to pay as much as 25 per cent of the ILO budget and expect that country not to feel entitled to special influence. Perhaps the top half-dozen contributors should each pay the same amount, say 8 or 9 per cent, and the remaining countries each pay a good deal more than they do now.

Responsibility for maintaining the ILO through its difficult decade fell mainly on the shoulders of Francis Blanchard, who became Director-General in 1974. Blanchard had for many years been involved mainly in the ILO's technical co-operation work. He proved to be a practical man and a sound administrator, forward looking, of warm human qualities, dedicated to the ILO's human rights objectives and to its principles, not a spell-binding orator but a convincing speaker. The Governing Body showed its respect for him by re-electing him twice to this post.

15
A Higher Profile

After the Second World War Canada began to participate in international affairs with new confidence and maturity. Support for the United Nations became a central part of our foreign policy. Within this framework we began to take a more active interest in ILO affairs. Our interest took two forms: a stronger participation in ILO meetings abroad; and a renewed attempt within Canada to deal with conventions falling partly within provincial jurisdiction.

In 1946 the Department of Labour set up a special unit, the ILO Branch, to give full-time attention to the responsibilities arising out of Canada's ILO membership. Its first Director, Paul Goulet, held the post with distinction for almost 20 years. For the first time Canada was able to develop policy on ILO matters in co-ordination with all the interested parties. Goulet arranged consultations with labour and employer organizations and with provincial departments of labour, working out the complex problems of protocol and procedure arising within Canada and also in our relationships abroad with the ILO and foreign delegations to its meetings. He established an amicable division of responsibilities with the Department of External Affairs. Paul Goulet was profoundly loyal to ILO principles. He won the respect and affection of those he worked with in the ILO endeavour.

Meanwhile the Department of External Affairs set up a mission to deal with the various United Nations agencies in Geneva including the ILO.

When the ILO Office returned to Geneva in 1948, it left behind a branch office in Ottawa. Though small, this office symbolized the expansion of ILO interests outside Europe. It provided information services for the Canadian public and recruited Canadians for posts in the ILO in Geneva and for technical assistance assignments.

Although the ILO was beginning its move into technical assistance and field programs, the main concern for supporters of the ILO in Canada was still ratification of ILO conventions. The Privy Council had disallowed the Bennett legislation on three ILO conventions and left Canada in default on its obligations. The Rowell-Sirois Commission had recommended that the Dominion and the provinces together should decide how to implement ILO conventions in Canada.

At the Philadelphia Conference of 1944 the Canadian worker delegate, Percy Bengough, submitted a resolution on the federal states issue. Referred to the ILO Constitutional Committee, which was chaired at its first session by Paul Martin, then Parliamentary Secretary to the Minister of Labour, the resolution was eventually revised and incorporated into Article 19 of the revised ILO Constitution. It sets out a more elaborate procedure whereby ILO conventions of mixed jurisdiction should be dealt with through federal-provincial consultation.

After the war the Labour Department drafted a procedure it hoped would meet the situation. The idea was that when a province enacted legislation giving effect to the provisions of a convention it could transmit a formal document to Ottawa notifying the Dominion of its action. When all provinces had transmitted such documents the Canadian Government could ratify the convention.

The draft was sent to External Affairs which agreed in principle to the idea. But the Department of Justice commented austerely that the ILO Constitution "does not contemplate ratification by a federal state of a convention within provincial jurisdiction. Furthermore, for obvious reasons, it would not seem advisable."

The Chief of the Legislative Branch in the Labour Department at that time was Margaret Mackintosh, a determined person with opinions of her own. The Archives contain her bitter one-word comment on the Justice opinion: "Preposterous!"

Although labour organizations and other groups urged the government to improve its record of ratifications of ILO conventions, the Justice Department's opinion prevailed for several years.

During the early 1950s Canada ratified as many as possible of the conventions within federal jurisdiction. These included a convention setting out guidelines for a national employment service and five conventions dealing with conditions of seafarers. But the prevailing policy was that the federal government should not try to ratify conventions within provincial jurisdiction. The view was that even if the provinces all agreed to ratification, a provincial government elected subsequent to the agreement might alter its legislation. And this would place Canada in default on the obligations it had incurred by ratification.

One possible answer to this difficulty was that the federal government might in such a case use its power under Article 56 of the British North America Act to disallow the offending provincial law. The trouble with this solution was that the disallowance power had fallen into disuse.

An alternative answer began to emerge. This was simply to disregard the difficulty. If a province enacted a law which achieved a certain degree of social progress it was unlikely to repeal it later. The possibility that it might do so remained, but this could be considered more theoretical than real. The advantages of joining fully in the ILO system seemed to outweigh the theoretical difficulty. It seemed worthwhile to take a calculated risk.

In 1959 Canada ratified a convention in the deliberate knowledge that the provinces had some of the jurisdiction. This was Convention 105, concerning forced labour. A ratifying government undertook not to make use of forced labour as a means of political coercion, economic development or labour discipline. The federal government took the view that it could safely accept such an obligation. Since forced labour did not exist in Canada the convention could be ratified regardless of where jurisdiction might lie.

The next ratification was a bolder step. This was of Convention 111, concerning discrimination in employment. This convention had been adopted by the ILO Conference in 1958 after strenuous debate at two sessions under the "double discussion" procedure. Canada was conspicuous in the committee discussions. Arthur Brown, the Canadian Deputy Minister of Labour, was elected Chairman of the committee in 1958. Allan Campbell, the Canadian employer delegate, was Employers' Vice-Chairman in 1957, and spokesman for the employers' group. Kalmen Kaplansky, a Canadian worker adviser, was Worker Vice-Chairman in both years.

The convention sought to eliminate discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin. As we have seen, the principal obligation imposed on a ratifying government was flexible. It was to "declare and pursue" a policy designed to "promote" equality of opportunity and treatment. The convention did not specifically require legislation, although it mentioned legislation as one of the possible means of implementation.

The Canadian Labour Congress, and various human rights groups, urged that Canada ratify this convention. George Haythorne, who was Canada's Deputy Minister of Labour during most of the 1960s, was convinced that Canada could and should do so. His principal adviser on the complex issues involved was Edith Lorentsen, who had succeeded Margaret Mackintosh as head of the Legislative Research Branch.

Lorentsen prepared an analysis of the law and practice of the federal government and the provinces. Most jurisdictions had by now adopted fair employment practices acts and equal pay acts, and there was no evidence of policies in any of them contrary to the intent of the convention.

Lorentsen and Haythorne arranged a meeting with Wilfred Jenks, the principal ILO authority on ILO standards and constitutional issues, while both were in Geneva for the ILO Conference of June 1962. Jenks gave encouraging advice. During the summer Lorentsen also consulted the provinces.

Later in the year she submitted a memorandum and reported her conclusions to the Deputy Minister. This document is worth quoting, since it recommended the procedure for ratification of Convention 111 which was eventually followed. Lorsentsen wrote, in part:

> When I reported to the CAALL[1] Conference in July 1962 on ILO matters, I pointed out the urgency of ratifying fundamental human rights Conventions and suggested to the provinces that Canada's position with respect to this Convention would need to be examined before too long, and that when they were consulted they should take a fresh look at the matter and particularly should examine the nature of the obligation which is involved.
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> It is clear that the provinces would need to be consulted so that the federal Government could assure itself that the basic provision of the Convention would be implemented. I think it would be sufficient if the Minister

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[1] Canadian Association of Administrators of Labour Legislation, a body of federal and provincial labour departments.

> of Labour could obtain from each provincial Minister of Labour the assurance that the provincial Government does subscribe to and pursue a policy of non-discrimination, but it might be considered preferable for the Prime Minister to write to the provincial Premiers. It could be pointed out that methods adopted for the pursuit of the policy are within the discretion of each Government. I do not believe that any provincial government would have difficulty in affirming that it has a general policy of non-discrimination in employment.
>
> If the required confirmations are received from the provinces, the federal Government could proceed with ratification. I think it would be appropriate to introduce a resolution in Parliament to approve the ratification of the Convention so as to make the ratification something that has the weight of Parliamentary approval behind it and also in order to give some desirable publicity to the decision to ratify.

Haythorne discussed the matter with Michael Starr, the Minister of Labour. Starr put the proposal to Cabinet, and it was approved on March 9, 1963. Letters to the premiers of the provinces were prepared for the signature of the Prime Minister, John Diefenbaker. However at this point an election intervened, which led to a change in government.

In due course, Haythorne took up the matter with the new Minister of Labour, Allan MacEachen, who, with the support of the new Minister for External Affairs, Paul Martin, sought Cabinet approval for the same process of ratification following consultation with the provinces. Cabinet approved the submission in October 1963, and letters to the provinces, not greatly different from those which had been drafted for Diefenbaker, were signed by Lester B. Pearson on October 17. The letter indicated the importance of the convention in the following terms:

> I am confident you will agree it is important for Canada to support this international effort to remove all forms of discrimination in the field of employment. Ratification of the Convention would confirm a non-discrimination policy practised by the federal and provincial Governments. It would be in keeping, I feel, with desires of Canadians. It would act as a spur to greater efforts to eliminate any discrimination which exists within Canada and it would undoubtedly have a beneficial effect in helping to achieve this same objective in other parts of the world.

> Before proceeding with ratification, it would be helpful and, I feel, appropriate to have from each of the provinces confirmation that the province is pursuing, by methods considered appropriate within the province, a policy of promotion of equality of opportunity and treatment in respect of employment and occupation within the spirit of this Convention. I would appreciate hearing from you in this regard as soon as may be convenient.

None of the provinces objected to the procedure. Within four months each had approved the proposed action. Moreover those which had not previously enacted anti-discrimination legislation soon did so.

The next step was to seek the approval of Parliament. This step was not essential, since ratification is an executive act, but it was thought desirable for the reasons set forth in Edith Lorentsen's memorandum. It took time, but the Senate gave its approval on June 16, 1964, and the House of Commons on October 13.

In presenting the case for ratification to the House of Commons, Allan MacEachen emphasized that the struggle against discrimination was a continuing one:

> Ratification of this convention does not constitute a declaration that we in Canada are entirely free of the evil of discrimination in employment, but it is an affirmation that the policy of Canada, at the federal level and at provincial level, is directed against discrimination in employment. Ratification of the convention will act as a spur to greater efforts to eliminate any discrimination which exists within Canada, and it will demonstrate our support of the international campaign to achieve this same objective in other parts of the world.

Following the Commons' approval, which was unanimous, Paul Martin signed the instrument of ratification on November 16, and Saul Rae, the Canadian Ambassador in Geneva, transmitted it to the ILO Office, where Canada's ratification was registered on November 26, 1964.

Ratification of the Discrimination Convention was important not only in itself but as a precedent. Canada had overcome obstacles which for years had seemed insurmountable, and had demonstrated its ability to deal with ILO conventions through co-operation between the federal government and the provinces.

The procedure could only work in situations where all jurisdictions complied with the requirements of a particular ILO convention. Most of the conventions called for legislation; and while Canadian law frequently matched ILO requirements in a general way, there were often discrepancies in one jurisdiction or another, even though these might concern relatively minor clauses.

The federal authorities used the consultation process next in a way that was to prove embarrassing. Convention 45, which prohibited the employment of women in underground work in mines, was one that all jurisdictions seemed to comply with. The provinces quickly gave their approval and the convention was ratified in 1966. In adopting the convention in 1935 the ILO had followed what seemed a desirable policy of protecting women against work in particularly hazardous situations. I remember, though, when its ratification was being considered, Edith Lorentsen murmuring that she was not sure it was such a good idea. I was surprised; but it was not long afterwards that I became aware — along with a lot of others — that many women were opposed in principle to protective legislation that applied to women only, on the grounds that it served less as a protection than as an obstacle to equality of job opportunity.

Moreover, it soon became evident that modern mines were not necessarily the hazardous, dirty places they used to be. It happened shortly afterwards that some of the provinces decided to repeal their prohibition against employment of women underground. Where the legislation came under the jurisdiction of a mines department rather than a labour department, the officials concerned generally had no knowledge of an ILO convention on the subject or its significance. The letter of approval of ratification of the ILO convention, which their Premier (or former Premier) had signed, lay buried in a file.

The provinces' action caused consternation to those concerned with ILO questions in Ottawa. Canada had been placed in default concerning the international obligation it had assumed with provincial approval, in ratifying Convention 45. This was a distressing and unexpected development, and a blow to the procedures that had been so carefully worked out for co-operative action on ILO conventions. But it also appeared that the interests of social progress would not be served by urging the retention of provincial legislation which now appeared to be obsolete. The issue was discussed with provincial labour departments and with representatives of labour and employer organizations. Canada then took the only feasible step and denounced its ratification of Convention 45.

This was in 1978. I found in Geneva that only one other country, Sweden, had taken similar action. The prevailing opinion in ILO circles seemed to be that the convention was still desirable and necessary in many parts of the world, where protection of women against exploitation was the important consideration and equality of opportunity was a goal not yet in sight. The Canadian denunciation was not well received.

In 1966 the federal government also sought and received provincial support for ratifying ILO Convention 122, concerning employment policy. This convention, adopted in 1964, sets out a responsibility on the part of governments not to "ensure" full employment, but to pursue "an active policy designed to promote full, productive and freely chosen employment". The policy must "aim at ensuring" that there is work for all who are available for and seeking work. The convention does not set out in quantitative terms an unemployment rate which might be deemed to be compatible with the objective of full employment.

When Canada and other democratic, industrialized countries voted for this convention in 1964 and subsequently ratified it, there was a general feeling that governments could indeed manage their economies so as to maintain full employment. Subsequent failures in economic policy have left governments in the dubious position of explaining to the ILO Committee of Experts that even though their unemployment rate is not as low as they would like, nevertheless their economic policies do indeed "aim at" ensuring full employment.

Canada's ratification of two other ILO conventions produced useful results. Canada ratified the Freedom of Association Convention (No. 87) in 1972 following a lengthy process of study and consultation with the provinces. Industrial relations is a controversial subject. Legislation concerning the rights and behaviour of trade unions is adopted and amended not infrequently in the Canadian jurisdictions. Canada's ratification of Convention 87 establishes an adherence to the principle of trade union freedom, and thus sets limits to the restrictions that may be applied. Of equal importance is the symbolic effect of Canada's declared adherence to this principle in a world where trade union activists can be murdered, tortured, imprisoned or executed.

If one ILO convention more than any other makes a contribution to improving conditions of labour, it is Convention 87. Once they enjoy the freedoms guaranteed under this convention, trade unions can hope to pursue and eventually to achieve the benefits set out in the labour conditions conventions.

As a country with high labour standards, Canada benefits by the adherence of other countries to the principles of Convention 87. This is one reason why successive federal and provincial governments have gone along, sometimes unenthusiastically, when the ILO complaint and investigation procedures which supplement Convention 87 are invoked against them by Canadian unions.

In 1972 Canada also ratified Convention 100, Equal Remuneration for Men and Women Workers for Work of Equal Value, again following much study and consultation. The obligation this convention imposes on a ratifying government is to "promote" and, insofar as is consistent with its methods of determining rates of remuneration, to "ensure" the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

This convention has had considerable impact within Canada. Its objectives are not fully realized, but the convention has provided targets for successive stages in the endeavour. When the convention was adopted in 1951 there was little equal pay legislation in Canada. As laws were adopted they tended to require equal pay for the same work in the same establishment which, while falling short of the convention's objective, at least represented an important first step forward. By the time Canada ratified the convention, consultations had brought forward the view that terms like "similar or substantially similar work" and "work of comparable character" came close to meeting the convention's requirements. More recently the objective has become the full realization of the principle of "equal pay for work of equal value," and this expression has been embodied in the legislation of a few jurisdictions.

Canada ratified the convention in good faith and, like other ratifying countries, has since maintained a dialogue with the ILO Committee of Experts over the progress made, a dialogue which will probably end only on the day that Canada has indeed "ensured" full application of the convention in its fullest meaning. This was certainly an objective that no one on the Canadian delegation (and very likely no one from other delegations) thought was even remotely probable when the convention was adopted in 1951. I say this with some assurance, because I represented Canada on the Equal Pay Committees in both 1950 and 1951.

Years later I also directed studies on equal pay and was closely involved in the consultations that led to ratification. Sylva Gelber, then Director of the Labour Department's Women's Bureau, persuaded me that, even though Canadian legislation had shortcomings, it would be useful to take advantage of the flexibility in the convention's provisions and ratify it immediately, rather than wait until full conformity with the convention's ultimate objective had been achieved. I put the proposal forward, and it turned out to be acceptable to those in authority. The wheel came full circle when I was entrusted with the honour of depositing the instrument of ratification with the ILO Director-General in November 1972. (This happened to be the year when I had been elected Chairman of the Governing Body.) The Director-General at the time was Wilfred Jenks. Others present at the ratification ceremony were Keith Richan, the Canadian employer member of the Governing Body; Joe Morris, the worker member; and Betsy Johnstone, a Canadian ILO official who had drafted the questionnaires and guided the convention through the Conference committees. As Jenks said: "This is her convention, and it must be to her a source of immense satisfaction to see it at last ratified by one of her two countries. I only hope that this ratification presages the ratification by the country of her birth as well as by the country which she has adopted and which adopted her." (Born an American, Mrs. Johnstone had married a Canadian.)

Since the provinces had to take action to enable Canada to comply with ILO conventions, it was logical that the provinces should be involved in the process of deciding on their contents. At the first ILO Conference, in 1919, the federal government had invited each province to send a representative to Washington, at federal expense, to serve as an adviser to the delegation. In subsequent years, when the meetings were held in Europe, the offer to pay expenses was dropped. Provinces only occasionally participated, and when they did they were not asked to undertake Conference duties.

After the Second World War, when the desirability of provincial participation was more fully recognized, the precise nature of the provinces' role was questioned. Would provincial officials go as representatives of their individual provinces, or would they serve as representatives of Canada?

It took patient negotiation and experimentation before a suitable formula was found. Nowadays, however, the principle is recognized that Canada must speak with one voice on policy issues at Geneva. A delegate from a province, then, becomes a full-fledged member of the Canadian delegation, with expenses paid by the federal government. He or she must speak as a Canadian, not as a provincial representative. If he or she serves as a member of a Conference committee, the policy to be followed is the Canadian policy.

However the "Canadian" policy is not exclusively a federal policy, since it is worked out through federal-provincial consultation. The consultative process involves preliminary correspondence concerning points on the Conference agenda, followed by a meeting of federal and provincial deputy ministers of labour, held in Ottawa a month before the Conference, to decide on policy. During the course of the Conference the members of the delegation, federal and provincial, meet regularly to consider day-to-day developments.

There are other reasons the provinces should be involved in ILO work. Quite apart from the formulation of the specifics of ILO instruments, the Conference has value as a forum for general discussion on labour questions and as a meeting place where it is possible to acquire information on experiences in other countries. Canada's provinces have their own departments of labour, some of which serve working populations larger than those of a good many independent states. It is certainly in Canada's interest that they should have access to the window the Conference provides on the policies and methods of other countries. Accordingly, provinces are also invited to send representatives to Geneva, at their own expense, accredited in the capacity of "provincial representative accompanying the Canadian Delegation". Such a person may attend the ILO Conference but may not speak. Apart from this limitation the representative participates fully in Canadian delegation activities and in particular contributes to the policy discussions at delegation meetings.

The federal Labour Department has undertaken a series of studies of Canadian law and practice in the areas covered by ILO conventions. The purpose has been to indicate the action that would be required in each jurisdiction in order to conform with ILO requirements.

By these various means a process has been developed whereby Canada, through federal-provincial co-operation, can fully meet its obligations under the ILO Constitution concerning ILO conventions. There is no longer any procedural obstacle to Canada's ratifying as many conventions as the various jurisdictions can agree on.

Why then, it may be asked, has Canada not ratified more conventions? Our total in 1984 was only 26 out of 159 adopted by the ILO Conference.

The main factor, obviously, is lack of conformity with the requirements of conventions. This is a surprising thing to say, in the light of Canada's relatively high labour standards, and it needs some qualification.

In the first place, Canada probably meets most of the requirements of most of the conventions. Where Canadian law does not meet a convention's requirements the discrepancy is often not very significant. Some of the conventions go into considerable detail. They contain subsidiary requirements in addition to the basic one. And they are sometimes quite precise about administrative questions. Studies comparing conventions with Canadian law and practice have shown that some conventions have minor requirements which are met in Canada by different methods than those prescribed, or requirements not considered appropriate, or of debatable value, or out of date, or in danger of becoming so.

Thus many conventions — I would even say most — simply do not constitute a target for ratification by Canada. And although we have indeed evolved a process for ratifying conventions on the basis of federal-provincial co-operation, the process needs to be used with discretion. No one would want to repeat the example of Convention 45, where after having used the process and assumed a solemn international obligation, we found that we had been wrong to do so, and we had to denounce the ratification achieved after such painstaking effort.

The lesson seems to be that the process should be reserved for cases that are truly worth the trouble. And there do indeed remain a number of conventions that are worth the trouble and that should be considered targets for ratification by Canada. These include Convention 98, on protection of the right to organize and bargain collectively, and two or three of the more recent industrial relations conventions. They probably include Convention 131 on minimum-wage fixing machinery and the basic social security convention, Convention 102. They would include some of the conventions on occupational safety and health, such as Convention 139 on occupational cancer, 148 on air pollution, noise and vibration in the working environment, and 155 on occupational safety and health.

But many would say that the foremost target is Convention 144, concerning tripartite consultation on international labour standards. If Canada ratified this convention it would set in place machinery that would facilitate decisions about whether to ratify others. To implement Convention 144, Canada would have to set up a national tripartite body to consider the application of ILO standards. The provinces would be invited to take part if they so wished, but they would also be free to set up their own provincial tripartite bodies.

Bringing together labour administrators, employer representatives and unions would be the best means of assessing what Canada ought to be doing about ILO standards, so that well-considered recommendations might be made to governments and to the public.

The members of such a body would have sufficient practical knowledge of Canadian industrial life to assess the applicability of particular ILO conventions in Canada. In time they should acquire a common perception about the nature and workings of the ILO system and the value of Canadian participation in it. It is not suggested that a tripartite committee on the ILO ought to dictate the terms of labour legislation in Canada. Our laws are and ought to be shaped primarily by our own circumstances and needs. ILO conventions are only one factor among many that lawmakers need to consider. But the committee could give the international standard a somewhat heavier weight than it has at present.

ILO influence in Canada is lessened by the lack of information about ILO matters reaching the general public or even the interested minority. I know of no way whereby an individual not personally involved in ILO meetings can keep up-to-date on events in Geneva or on Canadian ILO policies or activities. The newspapers and media supply little information.

The media seem to feel that very little that goes on at the ILO is "news". Obviously, few Canadians demand current information about the ILO since they lack background knowledge to assess it. For this lack the school systems are responsible. Perhaps curriculum planners, teachers and school board members themselves lack the knowledge to perceive this gap in Canadian education.

A reporter assigned to cover the ILO beat part-time from Ottawa would have to learn first the issues the ILO deals with and, second, when and how the issues surface. He or she could easily gain access to official information about the ILO. But anything available from Labour Canada or the ILO Branch Office in Ottawa is necessarily official in tone and is likely to play down or ignore controversies over significant issues. A more interesting task would be to detect the stories beneath the surface and learn how to follow them up. Some access to sources in Geneva would be desirable.

The result of all this would rarely be front-page news, but would be material for feature stories, columns and editorials. Plenty of it would be ideal for interviews on radio talk shows or TV.

If the ILO system has validity at all for Canada, the workings of the system must be of interest to a larger number of people than the small group of specialists who are involved in its work at present. Also, the positions taken in Geneva by Canadian delegates, whether government, employer or worker, should be exposed at least occasionally to observation and comment.

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Full-scale Canadian participation in ILO meetings was made possible in the mid-1950s by the increasing ease of transportation between Canada and Geneva. I count myself fortunate to have experienced the earlier travel method: the stately procession of members of the delegation by ocean liner down the St. Lawrence and across the sea to Liverpool, with time to read documents and discuss policy on board as well as to enjoy the crossing; the onward journey with a pause in London and perhaps also in Paris before we reached Geneva; the equally slow return. Participation in the annual ILO Conference at Geneva used to mean an absence from Canada of close to two months. Nowadays delegates make the trip overnight, and plunge into meetings with documents hastily read, as well as struggling with jet lag.

During the 1950s Arthur Brown became the first Canadian Deputy Minister of Labour to attend ILO meetings with some regularity. George Haythorne followed his example in the 1960s. Meanwhile, at Geneva, the Department of External Affairs participated through its mission to the United Nations in Europe. The two departments learned to collaborate in providing Canadian representation at Geneva.

Claude Jodoin represented Canadian workers at the ILO for many years, a buoyant, enormously popular Canadian. He was followed by Kalmen Kaplansky, Joe Morris, Shirley Carr, and other union leaders, including Jean Marchand from what is now the Confederation of National Trade Unions, and representatives of railway labour bodies. Among the employers, Harry Taylor, Allan Campbell, Tom Robinson and Keith Richan served on the Governing Body during my time, while many other industrial relations specialists came to the Conference. Canadians achieved various ILO posts of honour. During less than a quarter-century, beginning in 1955, four Canadians were elected to one-year terms as Chairman of the Governing Body: successively Arthur Brown, George Haythorne, myself, and Joe Morris. Morris had the distinction of being the first non-government member of the Governing Body to be elected to this post.

Canadians were also frequently elected chairmen of committees or, in the case of the employers and workers, vice-chairmen and spokesmen for their groups. Morris was for several years Worker Vice-Chairman of the Governing Body, the only Canadian ever to attain this position of responsibility. Shirley Carr, who succeeded him as Canadian worker member, was the first woman to be elected as a member of the workers group. Jodoin, Morris, Robinson, and Richan were each chosen by their groups to be Vice-President of the Conference.

If there was a distinctive contribution made by Canadians during recent years, I would describe it as dedication — not always to the ILO as such, for Canadians could be critical of the Organization — but to the purposes for which the ILO was created. This may sound like faint praise until one considers that representatives of the larger powers are likely to be more concerned with their own national policies and objectives. Canadians, like some of the other "middle" powers, understand that their national interests correspond with the effective functioning of the international system. Hence their concern for the strengthening of ILO programs, and for procedural, financial, and constitutional issues.

The International Labour Organization used to be compared to an automobile, in which the ILO Office is the motor, governments the steering wheel, workers the accelerator and employers the brake. All parts are necessary to the progress of the automobile; and I think that Canadians who came to Geneva saw their role in this positive spirit, whatever frustrations they may have felt when the automobile seemed to be going too slow, too fast, or in the wrong direction.

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The movement of the United States out of and back into ILO membership had an unexpected consequence for Canada, since it cost us our status as one of the ILO's 10 states of chief industrial importance entitled to non-elective seats on the Governing Body. When the United States left the ILO it also vacated one of the non-elective seats. The ILO has a procedure, when such a vacancy occurs, of convening a meeting of statistical experts, who try to assess the industrial importance of states, using in particular the criterion of value of national production, but giving weight also to the factor of population. Much depends, of course, on the relative weights given to these two factors. The statisticians' report is then considered by the officers of the Governing Body, who transmit their views to the Governing Body itself.

Following the withdrawal of the United States in 1977, Brazil was chosen by the statistical experts as the tenth state. When the United States returned, however, the ILO procedure was put into motion again to determine which country should be removed from the 10 to make room for the U.S.A. At this point the statisticians decided that Brazil outranked Canada in industrial importance and that Canada should be the country to be removed.

Brazil's higher population was taken into account. The statisticians also adjusted the production figures to compensate for the fact that many goods and services in Brazil are cheaper than in Canada, mainly because of low wages. Thus the "real" value of Brazil's production was found to be higher than that usually shown in international comparisons. The statisticians' recommendations were accepted by the Governing Body, with Canada bowing out without the struggle it had made in parallel circumstances in 1935.

Canada continues to be generally regarded as one of the "industrialized" countries of the world and Brazil as a "developing" country. Canada is a member of the IMEC group at the ILO, Brazil of the Group of 77. Canada is a donor country; Brazil receives aid. Canada contributes to the ILO budget at a higher rate than does Brazil. But Brazil is now one of the ILO's states of chief industrial importance and Canada is not. Canada was, however, elected to a Governing Body seat in 1984.

In the future, once issues of ILO structure have been resolved, the system of non-elective seats for the states of chief industrial importance will be abolished. Canada will then seek election to a Governing Body seat as a member of the ILO's American Region. The prospects for election are reasonably good, given the fact that the larger countries in the region have almost always been accorded continuing re-election. But although Canada has participated in the past in ILO regional activities, there will now be a new incentive to surmount language, cultural, and political differences.

16
The ILO Today

It is time now to consider the ILO as it is today, and to review its work and its prospects. The founders of the ILO, as we have seen, hoped that the ILO would improve labour conditions by reducing competition based on labour standards. What has happened to this aspiration? Is it still relevant in today's world? Is it possible?

We have seen that the scheme for international labour legislation failed to meet expectations. The refusal of the major European countries, and in particular Great Britain, to ratify the hours of work convention, and the refusal of labour and employer members of the Governing Body to let it be revised, brought about an impasse.

Under the circumstances, ILO delegates simply accepted the situation and carried on with less ambitious objectives. They adopted a rapid succession of new conventions regardless of whether or not they were being ratified promptly by member states.

Perhaps there was too much pressure for reform on too many subjects. What emerged was a less ambitious system that retained much of the rhetoric of international labour legislation but tacitly abandoned the goal of reducing competition on labour standards. In effect, it became simply a system for setting targets for national legislation which individual countries could try to meet at their own pace and according to their own priorities.

The system progressed, gained acceptance, achieved a significant number of ratifications, and produced improvements in conditions of labour. It also turned out to be an ingenious contribution to the development of international law.

Meanwhile the International Labour Office became a centre for information on labour questions and for comparative analysis of national policies and legislation. It undertook missions and investigations. It issued authoritative publications. The Conference provided a meeting place for exchange of information and experience. The ILO established itself in a useful role, though falling short of early hopes.

During their wartime exile in Canada, the leaders of the Office tried to establish an influential role for the ILO in international economic policy making. Their ideas were embodied in the Declaration of Philadelphia, adopted by the ILO Conference in 1944. Like the idea of international labour legislation, this scheme did not work out as hoped. Other international agencies acquired greater power in the economic field, but the ILO continued to promote the importance of social objectives in economic policy.

In the postwar years the standards system gained in importance as the ILO adopted a series of human rights conventions. The ILO also developed important procedures for investigating complaints about violations of trade union rights.

During the same period the ILO joined in the general United Nations effort to provide aid to developing countries. This led to a crucial shift in emphasis for the Office and a rapid expansion in staff and budget. The ILO Conference, however, continued its emphasis on international labour standards.

By its fiftieth anniversary year in 1969 the Organization seemed to have reached a high level of recognition for its contributions to human welfare: its standards, its development projects, its human rights work, its research, its dissemination of information and ideas, and its promotion of social policy.

But with the arrival of the Communist and the newly independent countries, the ILO Conference suffered from political tensions separate from the ILO's main work. The withdrawal of United States support during the 1970s was a shock that had both financial and moral significance. The defection of the world's largest market-economy country, for political reasons that were not well appreciated, seemed a rebuke to the ILO's attempts to bring together representatives of all political and economic systems and to study objectively the labour aspects of these systems.

In the 1980s, following the return of the United States, tensions in the Conference continued, particularly between East and West. David Morse's hope that hostile co-existence would give way to more active co-operation was not realized. Nevertheless, the Office was able to continue its activities.

If one attends a session of the Conference today, one sees an ILO concerned with standards and with political issues. If one visits the Office one sees a very different ILO. One talks to heads of programs on human rights, employment, training, industrial relations, and improvement of working conditions. One discusses research findings and their implications for strengthening ILO programs, and the latest experiences in technical assistance.

Two separate worlds. The Governing Body bridges them to some extent with its scrutiny of the ILO budget and its reviews of individual ILO programs.

To form an impression of what the ILO does today and what it can be expected to do in the future, one must take account of the resources available to it, both human and financial. These are significant but not vast, the equivalent perhaps of a medium-sized department of the Canadian government.

In April 1985, the headquarters building of the International Labour Office in Geneva was occupied by 614 professional workers, supported by 780 general service staff, for a total of 1 394 employees. In its field offices, scattered around the world, the ILO employed 130 professionals and 340 general service staff. In addition, during that month, the ILO was using the services of 577 experts, assisted by 741 general service staff, recruited for temporary duty on technical co-operation projects. The total of the human resources at the Office's command was 3 182.

The Office's financial resources run at the rate of approximately $250 million a year. In his budget proposals for 1986-87 the Director-General asked for $267 million (U.S.) for the two-year budgetary period. The amount eventually approved was $253 million. The Director-General estimated that he would receive another $218 million over the biennium for technical co-operation projects from UNDP and other sources.

I have prepared two tables to show how the Director-General planned to spend the money he had requested. Table 1 shows how he proposed to allocate $267 million among various budget items. It will be seen that much of this amount is aimed essentially at maintaining the ILO's infrastructure, its meetings, publications, provision of information and so on. The technical programs were to receive only about 30 per cent of the budgetary income.

However some of these programs were to receive a great deal more in support from outside sources — from the United Nations and from individual countries which make voluntary donations to the ILO.

This is illustrated in Table 2, which indicates the source of funds for the individual technical programs. The table shows that the ILO's programs of training, employment, and rural co-operatives get most of their revenue from the United Nations and individual donor governments. On the other hand the ILO pays for its own human rights and standards activities. Its income for industrial relations, working conditions, social security, and workers education is evenly balanced between what the ILO receives from its regular budget and what it gets from outside sources.

It is difficult to estimate how much of the ILO's total revenue goes into activities to help developing countries. The amount includes virtually all the money from the UNDP and individual donor countries and a good deal more than half the regular budget — perhaps 80 per cent of the ILO's total revenue.

The budget's message is clear. From being primarily a European organization in the 1920s and 1930s, emphasizing standards and publications, the ILO has turned into an agency whose main activity is to provide aid to third-world countries. Looking at the ILO from a Western perspective, one cannot be dissatisfied with the way the Organization's financial resources are divided. It is in everybody's interest that the ILO should continue to promote development in the Third World. But technical assistance adds only piece by piece to the development of individual countries; international labour standards form an ambitious world-wide approach to social problems.

In attempting to assess the ILO's performance, I shall not venture to judge the quality of its work in third-world countries. My impression is that the ILO is performing satisfactorily. Year after year the ILO Office has contributed project after project to third-world development. I do not doubt that after three decades of experience the Office has learned how to do this work well and to give good value for the money it receives for the purpose.

It remains to consider how the ILO is progressing with its standards and other traditional activities. It is my contention that, even making allowances for unrealistic expectations and for difficulties that are unavoidable, the system is not functioning as well as it should.

Table 1

Proposed ILO Budget for 1986-87 Biennium

	$ U.S.	% of Total
Policy-making organs (these include the International Labour Conference, the Governing Body and major regional meetings)	13 200 000	4.9
General management	6 300 000	2.4
Technical programs (these include the Office's substantive work programs, such as human rights, employment, working conditions)	82 300 000	30.7
Service and support activities (personnel, administration, documentation, information systems, etc.)	78 200 000	29.3
Relations (servicing of meetings, relations with employers' and workers' organizations, public information, etc.)	25 300 000	9.5
Regional services (regional and country offices)	67 200 000	25.2
Other (this is a minus quantity representing mainly a saving on exchange rates)	(5 600 000)	(2.0)
Total	266 900 000	100.0

Source: Director-General's *Programme and Budget Proposals for 1986-87.*

Table 2

Technical Programs Proposed for ILO Budget, 1986-87 Biennium
(in millions of U.S. dollars)

	Regular Budget	United Nations	Other Sources	All Sources	% of Total
International Labour Standards and Human Rights	8.9			8.9	3.2
Promotion of Equality	3.3	1.7		5.0	1.8
Employment and Development	10.5	32.9	28.9	72.3	25.7
Training	9.0	48.4	27.6	85.0	30.2
Centre for Advanced Training, Turin	2.3			2.3	0.8
Industrial Relations and Labour Administration	6.2	2.3	2.4	10.9	3.9
Working Conditions and Environment	10.4	9.1	4.0	23.4	8.3
Sectoral Activities	12.5	11.9	16.0	40.5	14.4
Social Security	4.0	1.6	1.2	6.9	2.5
Labour Information and Statistics	10.7	0.6	0.4	11.7	4.2
International Institute for Labour Studies and ISSA	2.5			2.5	0.9
Workers Education	5.4	0.5	6.0	11.9	4.2
Total	85.7			281.3	100.0

Notes:

As a result of adjustments, the total of $85.7 million does not correspond with the total $82 million shown for Technical Programs in Table 1. For example the Workers Education Program has been included here as a technical program although it forms part of the Relations Program in Table 1.

The Sectoral Activities Program includes industrial committee meetings and related activities, multinational enterprises, and co-operatives, with co-operatives accounting for most of the revenue from United Nations and other sources.

Source: Director-General's *Programme and Budget Proposals for 1986-87.*

To begin on a positive note, however, one particularly valuable accomplishment must be noted. The ILO has constructed a set of standards which are recognized internationally as models for national labour law and policy. In these standards the ILO Conference has set out the rights and conditions that representatives of employers, workers and governments have decided should be enjoyed by working men and women. They represent the humane and civilized values that free men and women, working in a free society, expect their economic system to provide.

The work has been done in detail and has been embodied, as of 1984, in 159 conventions and 169 recommendations. The numbers, however, are not the important accomplishment. One cannot look to the totality of these instruments for a summation of ILO values. Not all of them are wisely drafted, and not all have stood the test of time. One must seek their essence rather than their detail. By doing so it is possible to state in a few words the labour conditions and rights that apply in a country which observes the more important of the ILO standards.

One might begin by noting the absence in such a country of child labour. Young persons may not enter the labour market until they are at least 15, and older for hazardous occupations. As they reach working age they will have access to vocational guidance and to technical or vocational training. They may count on help from an employment service, and they may count on their government to pursue policies aimed at ensuring that jobs are available.

They will have the right to join free and independent unions, which have the right to engage in collective bargaining. They will not be discriminated against, in hiring or promotion, because of race, colour, sex, religion, political opinion, national extraction or social origin. Men and women will enjoy equal pay for work of equal value. The government administers a minimum wage system, the level of which is adjusted periodically to correspond with rises in the cost of living or other suitable criteria. Workers will not be dismissed without due process.

Social security provides protection in times of unemployment, old age, occupational injury, illness, and maternity, among other circumstances.

Workers can expect a safe and healthy working environment, reasonable working time, and vacations. They will be assured of the full, prompt and unconditional payment of their wages. They can hope to improve their job qualifications, or adjust to changes in industrial structure or technology, through on-the-job training and through paid educational leave.

Such vulnerable groups as migrant workers and native or indigenous workers will be entitled to special protection as needed and equal access to the benefits enjoyed by other workers.

Spelt out in detail, with specifics as to how the rights and benefits will be provided and administered, the conventions and recommendations occupy hundreds of pages of legal texts. But in essence these are the basic conditions and rights that the Conference has decided should be enjoyed by workers. And this, one might say, is what the ILO is all about.

The first accomplishment of the ILO, the setting of standards, may now be said to be virtually completed. Ideas for new subjects for ILO standards will certainly continue to emerge, but at less and less frequent intervals. What remains to be done mainly is fine tuning of the system, modifying and revising existing standards to meet new conditions and concepts.

Adopting a set of desirable labour standards is one thing; securing their implementation is another. It is here that one must begin to ask questions. In a general way, of course, virtually everything the ILO does, including its technical co-operation, is aimed at implementing standards. More specifically, the ILO has its supervisory system, involving the Committee of Experts, the Conference Committee on Applications, and the complaint procedures.

But considering that the ILO has by now covered so much ground in the standards it has set, one might expect the Conference to allocate more of its time to attempts to secure the implementation of standards adopted in the past. So far this has not happened. Each year the Conference usually sets up four committees to develop new standards, but sets up only a single committee, the Committee on the Application of Conventions and Recommendations, to study the way countries are complying with the standards adopted in the past. That committee can hope to touch on only a handful of the cases of non-compliance that have been brought to light by the Committee of Experts. And there must be many such cases.

One has to ask whether the ILO Conference has already adopted too many conventions for the system to cope with. The total number of ratifications of ILO conventions is now well over 5 000. In the early days of the ILO, countries had to submit reports annually on each ratified convention. When the workload became too heavy they were asked instead to report every second year. Now it is every fourth year for most conventions, while remaining at every second year for a few conventions for which frequent monitoring is desirable, particularly the human rights conventions.

The 150 member countries of the ILO have ratified on the average 34 conventions each. This is a little better than 20 per cent of the 159 conventions the Conference has adopted. Let us suppose the number of ratifications tripled, to an average of 100 per member country. Countries would have to cope with the extra burden of reporting; the ILO would be swamped by 15 000 reports, coming in at a rate of 4 000 or 5 000 a year; and the Committee of Experts and the Conference Committee on Applications would be unable even to pretend to stay on top of their assignment.

For a federal state like Canada, reports on most conventions must contain information on the law and practice of the provinces as well as that of the federal government. For Canada this means a report that is ten times as lengthy as that of a unitary state. Imagine the workload for Canada if we ratified 100 conventions!

Would the results, in terms of human welfare, be worth the effort? ILO ideology still emphasizes numbers — more than 150 conventions; more than 5 000 ratifications. But by now the numbers tell us very little about actual progress in improving labour conditions within member countries. What they measure is commitment to the ILO process rather than fulfilment of ILO objectives.

It may be asked whether the system is getting out of hand, producing an overwhelming flood of conventions, reminiscent of the magic broom of the sorcerer's apprentice, which relentlessly submerged him with bucket after bucket of water.

It seems obvious that the Conference could now consider switching its emphasis from the setting of standards to their implementation. Four committees on new standards compared with only one overworked committee on the application of existing ones just does not seem a reasonable division of effort.

A new approach would put emphasis on a few of the most important of the ILO conventions. The Conference would consider how these conventions are actually being applied regardless of whether governments have ratified them. The Conference would consider the difficulties which may prevent implementation and what might be done to overcome the difficulties.

The ILO in fact already obtains reports on this question from member countries. Article 19 of the ILO Constitution requires each member to report to the ILO, from time to time as requested by the Governing Body, on its position with respect to conventions it has not ratified and the difficulties which prevent or delay ratification.

Each year the ILO seeks reports of this nature on a particular convention or recommendation or on a group of them. But it refers them to its monitoring bodies, the Committee of Experts and the Conference Committee on Applications. The function of these bodies is primarily legal, whereas the "difficulties" which prevent ratification are usually matters of social or economic policy, or stage of development, or fear of trade competition. Consideration of these difficulties requires something other than legal expertise.

Moreover the Conference Committee on Applications, busy as it is, can give at most a few hours of its time to these Article 19 reports. This is plainly not enough. An alternative is to submit them to a separate full-time committee, which would consider them from a policy rather than a legal perspective and would be able to give them not just a few hours' consideration, but study throughout the duration of the Conference.

In this way the Conference could come to understand more precisely the state of world policies and practices on questions like child labour, occupational safety and health, minimum wages, labour inspection, equal pay, equal opportunity, and so on. It could come to understand more precisely the nature of the difficulties that prevent ratification. And instead of making the empty gesture of urging governments to ratify, it would debate and try to agree on the various kinds of national and international action that would help to overcome difficulties.

For the Conference to shift its emphasis from the adoption to the implementation of standards would be a positive and challenging step. Making the idea work would be a challenge. The necessary thing would be to take the first step and learn by experience. A Conference effort of this kind would have to be thoroughly prepared by the Office, with information gathered not only from Article 19 reports from governments but also from independent studies and on-the-spot investigations.

Procedures would have to be devised so that the tripartite Conference committees could work constructively and purposefully towards the goal of identifying difficulties and proposing specific remedies for national action and for action by other international agencies as well as the ILO. A way would have to be sought to prevent political partisanship from poisoning the atmosphere and defeating the effort to deal objectively with the sensitive issues that would surface concerning individual countries.

I have earlier suggested that the rise in political activities at the Conference stemmed in part at least from the lack of interest, on the part of many new delegates, in the process of setting standards. Should the Conference turn to the implementing of standards this would make its work more significant to many such delegates. It would add new meaning and sense of purpose to participation in Conference work.

I do not suggest that the process of adopting new standards and revising old ones should be abandoned. On the contrary, the code of draft international legislation should be kept up-to-date. Ways might well be considered for speeding up the process. What is needed is to strike a better balance between the various activities the ILO Conference should be engaged in. Implementation of standards should have a higher priority than it now has. This is an activity that could also be pursued at regional and industrial meetings, to improve their usefulness.

The ILO's regional advisory committees and conferences bring together smaller and more homogeneous groupings of delegates than does the Conference. At present these meetings suffer from a lack of authority to make decisions having an immediate impact on member countries or on the ILO Office. The conclusions reached are referred to the ILO Governing Body in Geneva, which maintains a centralized control over the work of each regional meeting. The meetings do have potential for considering and appraising the work of the Office within a region, but they cannot instruct an ILO regional centre to undertake particular actions. Regional meetings have excellent potential to consider difficulties faced by member countries in the implementation of ILO conventions. Their work could become more meaningful if they carried out a detailed review of the implementation of ILO conventions and recommendations, and also a monitoring of Office activities within their region, and reached conclusions on those matters.

Industrial meetings could also play a role in examining the implementation of ILO standards. Like the regional meetings, the industrial committees are limited in their authority. Their conclusions take the form of resolutions, which impose no obligation. The resolutions go to the Governing Body, which takes note of them, circulates them to governments, and considers any recommendations for action by the Office.

The industrial committees have interesting potential. If the internationalization of business some day leads to international collective bargaining, this will presumably operate at the industry level and will involve the international trade union secretariats and multinational enterprises, either singly or in groups. The ILO's tripartite industrial meetings could hardly provide a mechanism for such bargaining, but their present function, as a forum for international discussion of industrial issues, gives them a certain salience for the future. In particular they could study variations in the observance of ILO standards within particular industries involved in international trade.

I shall have more to say about the potential for use of ILO conventions in the next chapter.

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I must now mention one program begun by the ILO in the 1970s which is not yet as fully developed as one might hope. Since beginning its program on multinational enterprises, the ILO Office has produced considerable documentation on the multinationals' social policies and their impact within individual countries. The Governing Body adopted a Declaration of Principles concerning Multinational Enterprises and Social Policy in 1977. A standing committee reviews, through questionnaires sent to governments, the way the declaration is being applied.

The declaration reflects a fear that governments might discriminate against multinationals. Its essential feature is that governments ought to enact good legislation, based on ILO conventions, and that multinationals should obey the legislation, on the same basis as purely national enterprises. This approach falls short of dealing with the question of whether individual multinational enterprises apply or should apply similar social policies for their workers within different countries. It also avoids the related question of the impact of national social policies on multinationals' investment decisions. It thus steers clear of the crucial problem of the role of multinationals in international competition based on differences in labour standards.

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In trying to assess the ILO's accomplishment one must distinguish between the performance of the Office and the performance of the Organization as a whole. In theory the Organization sets the policies and the Office, as an international civil service, carries them out. In practice the Office has a great deal to do with planning and drafting the policies that the Governing Body and the Conference eventually adopt. This is not surprising, if only because the ILO staff are involved year-round in ILO work, whereas delegates go home to different problems. The representative bodies do exercise a kind of ultimate right of veto over Office activities through their review of programs and their power over the ILO budget.

While considering such questions as whether the work of the Conference and other meetings can be improved, one must remember that the tradition of functionalism in the Office is not completely dead. Control by the Office over the ILO environment seems part of the functionalist aspiration. In this sense, the Office has no vested interest in making the representative bodies more effective, since such a trend might weaken the Office's influence. In any case initiatives in such matters ought in principle to come from the representative bodies themselves. Essentially it is up to the Governing Body to take action, and up to individual groups, such as IMEC, the employers or the workers, to plan and instigate change.

17
Prospects

The picture of the ILO that emerges from what I have written so far reveals an Office doing a variety of useful things; a standards system in need of reinvigoration; and meetings of the Conference and other ILO bodies that could be given a better sense of direction.

Some features of the ILO, even though they might well be improved, are more in need of defence against attack, whether outright or subtle and indirect. Not every government takes delight in the ILO's findings concerning failures to apply conventions or violations of trade union rights. The ILO's system of monitoring the application of conventions and its system for investigating complaints will require protection by those who favour them during the foreseeable future.

Defence of the Organization may be the first priority. Yet it is worthwhile to have in mind a picture of what the ILO might become some day. If we can sketch a picture of where we would like the ILO to be, we can then perhaps contrive to get it there, as circumstances permit.

The remainder of this chapter is for those who might like to fantasize a little about the ILO's future prospects. One might begin by appraising the Organization's present-day salience. To do so, one might ask to what extent the ILO meets the Cox-Jacobson criterion of an international organization that deals with important problems and involves important people.

The problems with which the ILO has been concerned include poverty and unemployment, human rights, and the conditions of labour. The problems are certainly important.

As for important people, the ILO Conference is periodically addressed by the most eminent: by monarchs, popes, heads of state, prime ministers. Ministers and senior officials of labour departments take part in its work, as well as ambassadors and senior diplomats. Heads of labour unions participate, along with heads of employer organizations and senior business executives. The trappings of power are present.

And yet. . . ILO decisions are of only moderate importance to governments in their national capitals. The ILO lost one chance to acquire salience after the First World War, when its efforts at international labour legislation faltered; and it lost a second chance after the Second World War, when it failed to acquire pre-eminence among international agencies over economic policy.

We come then to the question of the ILO's ability to act effectively concerning its problems. Has the Organization, in spite of its many conventions and ratifications, failed to provide an appropriate mechanism for decisive negotiations on social policy? Could it aspire to international agreements that would have the same impact on governments as, for example, agreements to reduce trade barriers?

Let us suppose, to illustrate, that a continuance of high unemployment in the industrialized countries, combined with a continuance of technological growth, leads to a belief that reductions in working time have become possible and desirable. Union demands, within particular countries, evoke the employer response that competition makes concessions impossible. Impasse. Could one turn to the ILO in the hope that international action might reduce competition?

To ask the question is to answer it. The ILO, although originally designed to be that kind of organization, is no longer thought of in such terms. For it to become so would require a profound change in attitude on the part of governments, employers, unions, and the ILO Office itself.

At present the most optimistic view of ILO action is that it gives prominence to particular issues, causes them to be debated, and thus helps to create the atmosphere in which change is possible.

The ILO was founded with the idea that it might mitigate the effects of international competition on labour standards. The idea did not work in the 1920s. During the 1950s and '60s it did not seem to be an important element in the determination of labour standards.

Today, with a vast increase in trade, things have changed. Competition based on low labour standards is again a factor. Today, in industrialized countries, there is great emphasis on the need to lower costs in order to compete. Labour, in consequence, has to struggle to maintain its standards. Meanwhile, in the modern sectors of the developing countries, labour struggles to acquire the basic rights and benefits laid down in ILO conventions.

Competition based on low labour standards hurts both groups. Such competition has taken new forms. There is competition between national companies in different countries. This was the form of competition that the early advocates of international labour legislation had in mind. Much more important today, however, is competition between countries to attract investment. Countries compete to encourage multinational enterprises to invest or to retain existing investment, it being recognized that in some industries multinational enterprises can transfer their operations fairly readily between countries. This kind of competition exists to some extent among industrialized countries. The new factor is that it has come into being between industrialized countries and the modern sectors of developing countries. It also exists among the developing countries themselves, as they compete to attract investment from foreign-based companies. There is also competition from the Eastern European countries, where labour is cheap and controlled, and where Western firms have invested heavily (as documented in Charles Levinson's *Vodka-Cola*).

Should the ILO seek to address these forms of competition, its first step might be to select, out of the present ILO standards, those few which would be most suitable for use as standards in international trade. These would certainly include freedom to associate in national and international labour organizations for collective bargaining purposes. They would include equal pay and minimum age for employment. They would include occupational safety and health measures, to ensure that countries were not competing against one another by allowing the use of substances dangerous to workers' health.

Ratification of all the target conventions by all governments, however, is not a reasonable expectation. Developing countries generally lack the ability to apply ILO standards to all their industries. But on the other hand trade competition occurs in specific industries, not throughout the economy. It would be more relevant to seek international agreement among governments to apply certain agreed minimum ILO standards in industries involved in international trade. This would possibly involve a scheme for ratifying conventions in respect of particular industries. But a more workable method might be for multinationals to commit themselves to apply the basic standards in all the countries in which they operate, regardless of whether governments have passed legislation to implement the relevant conventions.

In the environment in which the ILO operates today the Organization must take account of the emergence of multinational enterprises in the past quarter-century as a factor in international labour problems. Multinational enterprises have proved to be an efficient way of mobilizing the world's resources, and it would be absurd to turn back the clock and try to curb their activities. It would be equally absurd to ignore the fact that some of them have more wealth at their command than most governments, that they are not democratic bodies, and that their primary concern is not with social policy. No one need either blame them for this or defend them. It is their nature as part of the contemporary international economic system. International firms behave in accordance with the system just as national firms did in the more limited economic environment of the nineteenth century.

From the perspective of international social policy, today's problem is to find a way of arranging that social benefits do indeed result from their activities. Multinationals in developing countries usually provide higher wages and better working conditions than do national firms. This is in line with the ILO Declaration. What is in question is whether the working conditions are in line with those that they provide in industrialized countries or those required by ILO conventions. The wages they offer in developing countries are obviously lower. But there seems to be no civilized reason why multinational firms should not provide the same standards of safety and health in all countries and meet other important ILO standards, whether national legislation requires them to or not. Governments are sometimes more interested in lowering their labour standards, in order to attract investment, than in raising them. International trade union secretariats have been trying to exercise countervailing power in their dealings with multinationals but so far with only moderate success.

One is left, then, with the alternative of voluntary action by the multinational employers themselves to reduce competition based on low labour standards. History tells us that many "good" national employers, in earlier times, did not like being forced by competition to pay low wages and benefits, and that they welcomed minimum standards legislation which would put limits on such competition. Such employers were among the earliest proponents of international labour legislation. Is it unreasonable to suppose that multinationals would voluntarily subscribe to international labour standards if a means could be found of applying them fairly? Could a process be developed whereby multinationals could themselves ratify or agree to be bound by a few of the basic ILO conventions?

There would have to be willingness to allow monitoring, not as an intrusion but for mutual protection of all companies against possible violators. Provision for enforcement or sanctions might also be envisaged, for the same reason.

Those who dislike this approach in principle will have no difficulty mustering objections. To those who like it, or feel it is worth exploring, the course of action is to study it, consider the objections, work out solutions, and try to find allies.

An ILO effort of this kind could have far-reaching consequences. It would give social policy a welcome recognition, a foothold in the jungle of the international trading system. One can recall the Phelan-Jenks endeavour through the Declaration of Philadelphia to give the ILO a recognized responsibility to judge economic policies for their contribution to social objectives. The respective claims of economic and social policy constitute an issue on which views differ, but accommodations are possible. The ILO has included in its program for 1986 plans for a high-level meeting to discuss the possibilities. The meeting is to involve senior officials of the World Bank, IMF, GATT, UNCTAD, and OECD, as well as senior government figures from departments of both finance and labour, and labour and employer representatives. The meeting will review the impact of international trade, financial and monetary policies on employment and poverty, and seek agreement on policies in which social goals are recognized. One can only wish success to this initiative. In a Utopian vision one can envisage social objectives achieving such recognition that world leaders would want to conduct not only economic summit meetings but also summit meetings on social policy.

To embark on a determined endeavour of this kind would certainly have the effect of raising the salience of the ILO. But this is not the point. When an enterprise competes on the basis of human ingenuity, resourcefulness and business skill, this expresses the creative qualities of the human spirit. Competition based on getting people to work at the lowest possible wages, for the longest possible hours, in a hazardous, unprotected working environment is mean spirited. The ILO grew out of the concept that such competition ought to be reduced and mitigated. And this could again become a central principle for the Organization.

* * *

As one examines the ILO's future prospects one certainly envisages that the ILO Office will continue its technical co-operation and its research and publications. The Organization should also maintain and seek to strengthen its investigations of complaints concerning violations of human rights.

A tough-minded review of the ILO's standards system should aim at giving it better focussed objectives. In today's world the system could try to meet three needs. Whether the ILO has the potential to move in this direction I find hard to decide. I hope it has.

The first need, then, is to reduce competition based on low labour standards. The second is to draw multinational enterprises into an international effort to improve social policy and labour conditions. The third is for the ILO, avoiding the extremes of an uninhibited market system and the extremes of authoritarianism, to continue to promote social values in a free and productive economy.

18

A Canadian View

A Canadian policy of support for the ILO rests in the first instance on our support for the United Nations and for policies that are generally designed to improve relations among the nations of the world. The effort of the ILO to reduce poverty in the developing world can be supported for humanitarian reasons, but also because it is plainly in our interest, as a country with high labour standards, to encourage the raising of labour standards elsewhere.

There can be little argument about Canadian support for ILO technical assistance to third-world countries. The only point at issue is whether Canada should also provide funds directly for projects to be executed by the ILO, as a number of European countries do in quite substantial amounts. Canada has done this occasionally, but in general we have preferred to channel our funds through the UNDP, which in turn allocates them to particular UN agencies for particular projects. This process is known as "central funding". In theory it allows governments to receive help from the UNDP according to their own preferences and priorities. There is nothing much wrong with this in theory. The practical difficulty is that government departments concerned with labour or social questions often have little power in their national hierarchy, and thus have difficulty securing the aid they need. This may be particularly true in countries whose governments see advantages in keeping their labour standards low and their labour unions weak. So far the decision makers on Canadian aid programs have not been persuaded that there may be advantages to Canada in channelling more of our funds through the ILO.

Canada has usually regarded international labour standards as the ILO's main work. However in recent years the ILO issue that has most concerned Canada's governments, federal and provincial, has been that of complaints made to the ILO by labour organizations. The issue has been difficult to deal with because a complaint is an accusation that a government is violating internationally recognized standards of trade union rights. This is a painful matter, even though the charge relates to a situation a good deal less serious than the type of repressive or violent action taken in some less democratic countries of the world.

It is a source of pride that Canadian governments have supplied full information and co-operated generally in the ILO procedures. They have often changed their laws or practices when these were determined to be not fully in accord with ILO recommendations. In other cases, the union complaints have been found to have little justification, and this too has had an educative effect on all parties.

In the last analysis Canadian support for the ILO probably rests on our support for capitalism which is open to reform. Within Canada, encouragement of competitive enterprise has been balanced by consideration for those whose human energies and skills are directed elsewhere than towards economic competition. This has been the ILO approach. Finding the balance is a dynamic process. The ILO is a means, an instrument, through which the civilized, human values it represents may be expressed, redefined, developed and applied within member countries.

The ILO principle that "poverty anywhere is a danger to prosperity everywhere" certainly holds true in today's trading world. The idea of reducing competition based on low labour standards is of obvious interest to Canadians.

If this justifies support in principle for the ILO as it exists today it would seem all the more to justify support for efforts to make the ILO more effective.

Canada is well placed to promote improvements in the ILO. It is not only a member but chairman of the IMEC group of countries, a group that could be a force for reform. Canada is also a member of the ILO's American Region, and as such is in a position to discuss with Latin American and Caribbean countries the common endeavour to promote improvements in social policy and implementation of ILO standards.

In addition, Canadian worker and employer representatives hold a respected place at the ILO Governing Body and Conference, as well as at other ILO meetings.

Canadian unions, like unions in other countries, have regarded the ILO as "their" organization. It has less salience for them today than it did for Tom Moore, who called a great deal of attention to its conventions in the days when Canadian legislation fell considerably short of ILO standards. Assessing its relevance more recently, a Canadian union officer suggested to me that Canada needs a world where trade is encouraged and is based on mutual respect. Canada also needs as much democracy in the global community as possible. The ILO's success in developing international labour standards, and its promotion of free trade unionism, can contribute to such objectives.

Canadian employers who know the ILO have been sceptical about its ability to improve labour conditions in other countries and have expressed fear that Canada, as a loyal member, may accept standards that raise its labour costs faster than those of competing countries. They have favoured the ILO's technical co-operation. They have seen value in the exchange of information at ILO meetings and have wanted the ILO to concentrate more on this aspect, particularly at industrial committee meetings.

Government attitudes towards the ILO in Canada have always been affected by our federal structure. Out of a long period of frustrated experiment there eventually emerged a viable set of procedures for provincial involvement in ILO work and meetings and in the study, ratification and implementation of ILO standards.

The provinces wanted access to the ILO as a means of gaining knowledge of other countries' experience and of international values with respect to labour and social policy. They have achieved this. They have also come to participate in the framing of the international standards they are expected to consider for implementation at home.

Interest in the ILO in Canada is largely confined to persons directly involved in its activities. The United States withdrawal from the ILO in the 1970s shows what can easily happen in the absence of public knowledge and support. I would feel more comfortable if the Canadian interest were more widespread, and if there were informed debates on the ILO's programs and the issues they deal with.

One way for Canada to define its interest in the ILO and our attitude towards its activities would be to set up a tripartite body on ILO matters. This could be done within the framework of Convention 144, as I have suggested in Chapter 15, but the initiative could be taken whether or not Canada decides to ratify the convention.

The body might be called the National Tripartite Council on the ILO. Its purpose would be advisory — to discuss ILO issues and recommend Canadian action. Members would be nominated by employer and labour organizations and by federal and provincial labour departments.

Flexibility in numbers would be feasible, since a council of this kind would hardly want to decide issues by vote. The council would seek consensus but might have to settle occasionally for statements of position, indicating the points of view of different participants or groups.

Whether the press or spectators should be admitted would need to be considered. Since one of the council's purposes would be to promote better public understanding of the ILO, the natural presumption is that they should be.

Another category of participants that might be included is academics. The academic community participated usefully in a national tripartite conference held in Ottawa in October 1969 in honour of the ILO's fiftieth anniversary. Their role was defined as "participating observers".

The council would review issues relating to the ILO such as those that have been raised in this book: whether the ILO Conference should give more emphasis to implementing conventions; whether the ILO should embark once more on an endeavour to reduce competition based on low labour standards; whether the co-operation of multinational enterprises should be sought in an effort to improve labour conditions; and, within Canada, whether we should contribute directly to ILO aid programs; which conventions should be targets for Canadian government action, whether federal or provincial; and which ILO standards, policies or approaches may be ripe for employer and labour implementation.

The council could set up ad hoc working parties to deal with specific problems. While its function, as I have said, would be advisory, the council would undoubtedly expect its work to produce results. It would thus generate the political heat that has been absent from ILO discussions in Canada.

The ILO's usefulness in Canada will be limited as long as ignorance of its work continues to prevail. Over the years I have found it baffling that this institution, which seems to me to be involved in interesting and important issues, should be virtually ignored by the media and by educational authorities.

If I raise this as a problem, I am also aware that the attempt to find a solution involves the danger of trying to impose a solution. And this is not what we want in a free society.

The establishment of a tripartite council on the ILO, apart from its other values, would offer possibilities for improving public awareness, raising ideas that educational curriculum builders might feel disposed to consider.

One must hope that some knowledge of ILO work will eventually become part of Canadians' normal background and that they will have opportunities to consider the ILO idea, the world approach to questions of labour policy and social justice, and the means to advance, within Canada and outside, the ILO endeavour.

Bibliographical Note

I have made extensive use of files of the Department of Labour stored in the Public Archives of Canada, and have also been permitted to refresh my memory on more recent files still in the Department. I have made occasional use of External Affairs files in the Archives, and of the Mackenzie King diaries and papers.

Until its demise a few years ago the Labour Department's official journal, the *Labour Gazette*, published information regularly on Canadian participation in the ILO. The ILO publishes a verbatim *Record of Proceedings* of the various sessions of the International Labour Conference and the *Minutes* and accompanying documents of the Governing Body. I have also drawn on various other ILO publications, including the *Annual Report of the Director-General* to the Conference, the *International Labour Review*, and the *Official Bulletin*.

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CHAPTER 2

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CHAPTER 3

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CHAPTER 4

The events in this chapter are derived from minutes of successive sessions of the Governing Body; the interpretation of their significance is my own. I have also had access to files of the 1920s from the

British Ministry of Labour (now Department of Employment), kindly made available by Jenny Dimond.

CHAPTERS 5, 6, AND 7

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The *Canadian Congress Journal* in the 1920s published many articles on the ILO, frequently by Tom Moore.

Violet Markham's memoirs are entitled *Return Passage* and were published in London in 1953.

CHAPTER 8

Principal sources: *Record of Proceedings* of ILO Conference; *Minutes* of Governing Body; Labour Department files; and works previously cited by Alcock and Haas.

CHAPTER 9

Principal sources: Labour Department files; ILO Conference and Governing Body proceedings. The quotation from Donald M. Page is from his Ph.D. thesis, "Canadians and The League of Nations before The Manchurian Crisis", 1972. I have also consulted S. Mack Eastman, *Canada at Geneva*, Toronto, 1946.

CHAPTER 10

Principal sources: *Hansard*, 1935; the *Labour Gazette*. Also: C. Wilfred Jenks, "The Constitutional Capacity of Canada to Give Effect to International Labour Conventions", from *Journal of Comparative Legislation and International Law*, London, November 1934 and February 1935.

CHAPTER 11

Principal source: Robert W. Cox and Harold K. Jacobson, with other writers, *The Anatomy of Influence: Decision Making in International Organization*, Yale, 1973.

CHAPTER 12

Different authors have given their versions of the story of the ILO's move to Canada. Edward Phelan describes the circumstances in a series of articles which appeared between 1954 and 1957 in *Studies*, a quarterly review published in Dublin. Wilfred Jenks gives an account in "The ILO in Wartime", an article reprinted from the *Labour Gazette* in 1969. Frances Perkins' brief version appeared in *The Roosevelt I Knew*, New York, 1946. Alcock's history contains further information.

I am fortunate to have received from Carol Riegelman Lubin, in New York City, an extract from her work in progress on the ILO. Mrs. Lubin was employed by the ILO from a period beginning shortly before the war. Her work is well documented and provides both details and motivations of which I had not been aware.

I have used material from the Public Archives of Canada and the Archives of McGill University. Mackenzie King's diary for July 25, 1940, records his meeting with "Mr. Chas. Vining, President of the National Labour Office, League of Nations". It is obvious from the context that this was John Winant of the ILO.

CHAPTERS 13 AND 14

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CHAPTER 15

Labour Canada has issued a number of studies on ILO conventions. In *A Review of International Labour Standards*, 1974, I proposed a selected list of up-to-date conventions. (This concept was developed by an ILO Working Party on International Labour Standards whose report was adopted by the Governing Body in 1979.) *Canada and The International Labour Code*, 1978, J.K. Eaton, Jan Wanczycki and J. Frendo-Azopardi, analyzed the extent to which the various Canadian jurisdictions complied with 72 selected conventions. For those deemed to be valid targets for ratification by Canada the study set out the action that would be required within the various jurisdictions to meet the ILO standard. Several more detailed studies of "action required" were issued, dealing with individual conventions, in particular ***Where Canada Stands on the Implementation of ILO Conventions on Occupational Safety and Health***, 1976, same authors. ***A Review of Federal Compliance with Selected ILO Conventions***, which was given limited distribution in 1979, contained the recommendations of a Labour Canada working party concerning the policy that the federal jurisdiction might consider adopting towards certain conventions.

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CHAPTER 16

Figures of employment in the ILO Office were supplied to me by the Canada Branch Office of the ILO. The Director-General's *Programme and Budget Proposals for 1986-87* were published by the ILO in December, 1984 as a document submitted to the Governing Body's 229th session. The budget as finally adopted was published following the seventy-first session of the International Labour Conference, 1985. I have rearranged material in the tables somewhat and made calculations.

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CHAPTER 17

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Index

Acland, F.A., 40-2, 45-6, 55
All Canadian Congress of Labour, 26
Astapenko, Pavel, 141, 143-4
Barlow, Montague, 31
Barnes, George, 13, 18, 38
Basie, Count, 7
Beaule, Pierre, 77
Bengough, Percy, 156
Bennett, R.B., 58, 72, 79-85, 104, 156
Bevin, Ernest, 108, 115
Blanchard, Francis, 141, 154, 173
Borden, Robert, 37-40
British North America Act
  Article 56, 157
  Article 132, 15, 55, 79-80, 83
Brown, Arthur, 157, 168
Brown, Gerald H., 43-4
Butler, Harold B., 13, 17-8, 22-4, 107
Campbell, Allan, 157, 168
Canada
  Federal-provincial division of responsibility, 5, 15, 41-2, 53-8, 61, 75, 80, 82-5, 155-166, 193
  Ratification of conventions, 5, 53-4, 85, 79-85, 156-166, 193-4
  Denunciation of ratification, 85, 161-2, 166
Canadian and Catholic Confederation of Labour, 76
Canadian Chamber of Commerce, 77
Canadian Construction Association, 77
Canadian Labour Congress, 152, 158
Canadian Railway Association, 77
Canadian Railway Brotherhoods, 76
Carmichael, C.E., 49
Carnegie, David, 48
Carr, Shirley, 168-9
Carrothers, Mrs. James
  see Markham, Violet
Carter, Jimmy, 147, 152
Christie, Loring, 42, 46-7
Clemenceau, Georges, 39
Coates, R.H., 46
Commission on International Labour Legislation, 9-16, 21-2, 38
Competition, international, 1, 3, 6-7, 10, 12, 17, 35, 47, 53-4, 81-2, 138, 171, 182, 186-194
Conventions
  see International Labour Conventions
Cox, Robert, 101-4, 128, 130, 185
Crothers, Thomas, 44
Delevingne, Malcolm, 13, 22-3
De Michelis, Guiseppe, 64-5, 69, 71
Derry, Kathleen, 42
Des Planches, Mayor, 14
Devonshire, Duke of, 39
Diefenbaker, John, 159
Draper, P.M., 38, 43, 45
Drummond, Eric, 23
Dunlop, John, 147-8
Fontaine, Arthur, 12, 16, 22, 34, 67
Functionalism, 101-3, 105-6
Gelber, Sylva, 163
Gompers, Samuel, 9-10, 15, 38, 109, 140
Gordon, W.A., 67
Goulet, Paul, 155
Green, William, 109
Gregg, Milton F., 121
Griffiths, W.L., 47
Group of 77, 149, 151, 170
Guérin, Louis, 23
Hawke, Robert, 145
Haythorne, George, 158-9, 168
Hull, Cordell, 108-9
IMEC Group, 149-53, 170, 183, 192
International Association for Labour Legislation, 10-11, 13, 44
International Centre for Advanced Technical and Vocational Training, Turin, 130
International Confederation of Free Trade Unions, 140-1
International Federation of Trade Unions, 17-8, 64
International Institute for Labour Studies, 130
International Labour and Social Affairs Committee, 153
International Labour Conventions
  No. 1, Hours of Work, 18-9, 27-35, 43, 53-7, 61, 63, 79, 83-5
  No. 2, Unemployment, 19, 27, 53
  No. 3, Maternity Protection, 19, 53, 57
  No. 4, Night Work (Women), 19, 27, 53, 57
  No. 5, Minimum Age, 19, 27, 53, 57
  No. 6, Night Work, (Young Persons), 19, 27, 53
  No. 10, Right of Association (Agriculture), 57
  No. 13, White Lead, 50
  No. 14, Weekly Rest, 79
  No. 22, Seamen's Articles of Agreement, 80
  No. 26, Minimum Wage-Fixing Machinery, 79
  No. 27, Marking of Weight (Packages Transported by vessels), 80
  No. 32, Protection against Accidents (Dockers), 80
  No. 45, Underground Work (Women), 161, 166
  No. 47, Forty Hour Week, 74
  No. 87, Freedom of Association and Protection of the right to Organize, 4, 125-7, 132, 147, 162-3
  No. 98, Right to Organize and Collective Bargaining, 125, 128, 132, 166
  No. 100, Equal Remuneration, 4, 126, 163-4
  No. 102, Social Security (Minimum Standards), 131, 166
  No. 105, Forced Labour, 4, 126, 147, 157
  No. 111, Discrimination (Employment and Occupation), 4, 126-7, 157-60
  No. 122, Employment Policy, 127, 162
  No. 131, Minimum Wage Fixing, 166
  No. 139, Occupational Cancer, 166
  No. 144, Tripartite Consultation (International Labour Standards), 154-5, 181-2
  No. 148, Working Environment, 166
  No. 155, Occupational Safety and Health, 166
International labour legislation, 3-4, 11-2, 14-6, 24-7, 34-5, 37, 43, 61-2, 72, 75, 108, 123, 171-2, 181, 186-8
International Labour Organization
  Committee of Experts on Application of Conventions and Recommendations, 61, 103, 127, 132, 178-80
  Conference Committee on Application of Standards, 61, 127, 132, 139, 148, 150-2, 178-80
  Economic policy making, 4, 62-3, 115-20, 123-4, 127, 162, 172, 180, 186, 189
  Promotion of social policy, 25, 35, 62, 115-20, 123, 139, 149, 152, 172, 182, 186, 188-90, 193, 195
  Structure, 128, 133-4, 140, 150-3, 170
  Technical co-operation, 1, 4, 102, 113, 123-5, 137, 154, 172-4, 189, 191, 193-4
International labour standards, 2, 4, 35, 61, 75, 119, 123-5, 129, 134, 138-9, 171-94

Jacobson, Harold, 101-4, 185
James, Cyril, 111
Jenks, Wilfred, 109, 115-6, 119, 138, 141-2, 144-6, 158, 164, 189
Jodoin, Claude, 168-9
Johnstone, Elizabeth, 164
Jouhaux, Léon, 14, 22, 31-2, 64-5
Kaplansky, Kalmen, 157, 168
King, W.L. Mackenzie, 42-4, 48, 53, 58, 81-4, 104, 110, 112, 114
Kirkland, Lane, 9-10
Kissinger, Henry, 147-8, 152
Labour Charter, 10, 13, 17
Lapointe, Ernest, 48
Laurier, Wilfrid, 42
Legrand, Daniel, 10
Levinson, Charles, 187
Ley, Robert, 64-5
Lindsay, R.C., 39
Litvinoff, Maxim, 71-2
Lloyd George, David, 13, 38-9
Lorentsen, Edith, 158, 160-1
MacEachen, Allan, 159
Mackintosh, Margaret, 156, 158
Mahaim, Ernest, 11, 34, 72-4
Malloy, Thomas, 44, 55
Marchand, Jean, 168
Markham, Violet, 48-50
Martin, Paul, 156, 159, 160
Massey, Vincent, 109-10
McGill University, 108, 111, 120
Meany, George, 140-4, 146-7, 152-4
Moore, Tom, 31, 41-3, 45-6, 54, 58-9, 70, 192
Morris, Joseph, 144, 152, 164, 168-9
Morse, David, 4-5, 123-5, 128-30, 134-8, 141, 143-4, 172
Multinational enterprises, 139, 182-3, 187-90
Murdoch, James, 48, 55-6
Mussolini, Benito, 50, 63
Neilan, Edward, 142
Nobel Peace Prize, 5, 118, 130
Oudegeest, Jan, 31
Owen, Robert, 10
Pacaud, Lucien, 48
Page, Donald M., 67
Parsons, S.R., 43
Pearson, Lester B., 118-9, 159
Penfield, Wilder, 110
Perkins, Frances, 68-9, 108, 118
Phelan, Edward J., 12-3, 22-4, 26, 58, 108-9, 111-6, 119, 123, 189
Philadelphia, Declaration of, 116-7, 172, 189
PIACT (International Program for the Improvement of Working Conditions), 138-9
Pope, Joseph, 40
Pope Paul VI, 130, 152
Rae, Saul, 160
Read, John E., 70
Richan, Keith, 164, 168-9
Riddell, Walter, 44, 48-9, 51, 67-9, 71-5
Rive, Alfred, 107, 118
Robertson, Blake, 41
Robertson, Gideon D., 41-2, 67
Robinson, Henry M., 15
Robinson, Tom, 168-9
Rogers, Norman, 75-7
Rooney, John J., 141-2
Roosevelt, Franklin Delano, 4, 17-8, 63, 68-9, 79, 104, 108, 115, 118, 123
Rowell, N.W., 40, 42, 84, 156
Rowell-Sirois Commission, 84, 156
Roy, Philippe, 46
Salience, 101-4, 106, 182, 185, 192
Sifton, Arthur, 38-9
Skelton, O.D., 77
Starr, Michael, 159
States of chief industrial importance, 21-2, 47-8, 66, 68-74, 133, 169-70
Taylor, Harry, 123-4
Thomas, Albert, 3-4, 23-6, 29-32, 34, 44-5, 47, 50, 58, 61-3, 134
Trade
  see Competition, international
Trades and Labour Congress of Canada, 38, 41-2 54, 58, 76-7
Trade union rights, protection of, 2, 4, 127-8, 134, 139, 163, 172, 185, 191-2
Tripartism, 2, 13-4, 18, 23, 66, 75, 120, 131, 143, 147, 166-7, 180, 182, 193-5
Truman, Harry S., 123-4
University of Montréal, 120
Williams, Joe, 7
Wilson, Woodrow, 4, 39
Winant, John, 4, 107-14
Wolfe, Humbert, 26, 50
World Employment Program, 129, 138-9
World Federation of Trade Unions, 120
Wrong, Hume, 75-6, 108-10

About the author

After several years of teaching, John Mainwaring joined the Department of Labour of Canada in 1942. He attended the International Labour Conference for the first time in Philadelphia in 1944.

From 1964 to 1980, he was responsible for the Labour Department's International Relations activities, and in this capacity he participated in many ILO conferences, Governing Body sessions and other ILO meetings, frequently as head of the Canadian delegation. He served as chairman of the ILO Governing Body for the year 1972-1973.

Now retired, Mr. Mainwaring lives in Ottawa. He is currently working on a study on Shakespeare's sonnets.

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